

Delha Eastham, deceased, to institute and prosecute suit in the district court of Walker county, Texas, against the State of Texas and against the Prison Commission of the State of Texas, for damages for the breaches, if any, of and for the failure, if any, to perform the duties and discharge the obligations arising out of the contract or growing out of the undertaking to cultivate and harvest the crops from the farm mentioned in the contract made on the 9th day of August, A. D. 1910, between Mrs. Delha Eastham, now deceased, and J. A. Her-ring, then Superintendent, and J. C. Haynes, then Financial Agent of the Penitentiaries of the State of Texas, for the cultivation with the convict labor of the farm of the said Mrs. Delha Eastham in Houston county, Texas, for the term of two years, beginning on the first day of January, 1910, and ending on the 31st day of December, 1911."

And find the same correctly engrossed.  
TERRELL, Acting Chairman.

Committee Room,  
Austin, Texas, March 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 417, A bill to be entitled "An Act to amend Articles 902 and 903, of Title 10, of the Code of Criminal Procedure of the Revised Criminal Statutes of 1911, relating to recognizance of defendants after conviction and upon appeal,"

And find the same correctly engrossed.  
TERRELL, Acting Chairman.

Committee Room,  
Austin, Texas, March 26, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 91, A bill to be entitled "An Act to provide for the creation of a bond commissioner; fixing his jurisdiction, power and duties over the issuance, approval, registration and sale of the bonds of counties, cities, school districts, navigation, irrigation, overflow, drainage and road districts and all other districts and public incorporations now authorized by law to exist in the State

of Texas; repealing all laws in conflict therewith, and declaring an emergency," And find the same correctly engrossed.

TERRELL, Acting Chairman.

#### PETITIONS AND MEMORIALS.

Petition signed by twenty-five citizens of New Waverly, Texas, requesting assistance in passing the measure consolidating the Agricultural and Mechanical College with the University of Texas.

By Senator Nugent:

Petition signed by 105 citizens of Navasota, Texas, favoring the separation of the State University and the A. and M. College.

By Lieutenant Governor Mayes:

Copy of resolutions passed by the Texas Cattle Raisers' Association, El Paso, Texas, March 20, 1913, endorsing the work of the Texas Experimental Stations and urging the Legislature to make liberal appropriations for same.

By Lieutenant Governor Mayes:

Communication signed by Mrs. Eli Hertzberg, San Antonio, president of the Texas Federation of Women's Clubs, appealing to the Legislature to pass House bills Nos. 658, 659 and 660, now pending.

By Senator Kauffman:

Telegram signed numerously by citizens of Galveston requesting efforts to defeat House bill No. 443.

By Senators Westbrook, Hudspeth, Taylor and Wiley:

Various telegrams numerously signed protesting against consolidation of the A. and M. College, and urging complete separation.

#### FIFTY-FIFTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, March 27, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Carter.
Bailey.	Collins.
Brelsford.	Conner.

Cowell.	Real.
Darwin.	Taylor.
Gibson.	Terrell.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
McGregor.	Watson.
McNealus.	Weinert.
Morrow.	Westbrook.
Murray.	Wiley.
Nugent.	Willacy.

Absent.

Kauffman.	Paulus.
Lattimore.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Darwin.

(See Appendix for petitions and memorials and standing committee reports.)

Morning call concluded.

#### EXCUSED.

On account of important business:

Senator Lattimore for yesterday and today, on motion of Senator Carter.

Senator Nugent for non-attendance Tuesday, on motion of Senator Hudspeth.

#### BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senators Nugent and Terrell:

Senate bill No. 488, A bill to be entitled "An Act for the organization of rural banking associations, for the purpose of extending productive loans at reasonable rates to its members for the promotion of agriculture, with the privilege of preparing and adopting by-laws for the government and regulation of their business, and prescribing the requirements of such by-laws; prescribing the kinds of capital and the minimum amount of capital of such rural banking association, and defining the requirements of its membership; prescribing the duties of the Commissioner of Banking with regard thereto; providing for a board of directors and other officers of such rural banking association, and defining their powers and duties; prescribing conditions for the subscription and payment of capital stock of such rural banking association,

and defining the liability of the stockholders; providing for the transfer of shares of stock, and giving directions for the procuring of loans from such rural banking associations, and regulating deposits; providing for a reserve fund, limiting the payment of dividends, and giving directions for the accumulation of a surplus; providing the time for which such rural banking associations shall be chartered; empowering such rural banking associations to secure depositors; providing for the supervision of co-operative joint stock companies, organized for the purpose of carrying on a rural banking business; providing for the organization of a central association for rural banks, prescribing and defining the conditions to membership of such central association, and defining its purpose; providing for the minimum capital stock of such central association; providing a board of directors for such central association, defining its membership, and prescribing their duties and powers; authorizing such central association to issue debentures based upon farms, mortgages, and extending credit to its members; providing for a commission to draw up by-laws for the government to such central association, and authorizing such commission to secure such information as it shall require for the drafting of such by-laws; providing for the accumulation of a surplus for such central association, and limiting its dividends, making an appropriation and declaring an emergency."

Read first time and referred to Committee on Insurance, Statistics and History.

By Senator Brelsford:

Senate bill No. 489, A bill to be entitled "An Act to amend Article 3876 of the Revised Civil Statutes of the State of Texas of 1911, Title 58, Chapter 3, relating to the fees of district and county surveyors."

Read first time and referred to Committee on State Affairs.

By Senator Nugent:

Senate bill No. 490, A bill to be entitled "An Act to require trunk lines of telephone companies and telephone companies operating trunk telephone lines to afford on reasonable terms connections with local and individuals operating local and independent telephone lines, to prohibit arbitrary and hasty severance of such companies, to require such trunk lines and their companies to make monthly reports to all connecting lines

and their companies, providing penalties for violating the terms and provisions of this act, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Terrell:

Senate bill No. 491, A bill to be entitled "An Act to authorize and empower Fayette county or any political subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, gravelled or paved roads and turnpikes and prescribing ways and means of conducting and supervising said work, and providing a method of making up tax rolls and for deposit and disbursement of said funds and regulations of traffic on said roads and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Vaughan:

Senate Joint Resolution No. 27, Proposing and submitting to a vote of the people of Texas an amendment to Section 49 of Article 3 of the Constitution of the State of Texas, authorizing the purchase of lands by the State for the purpose of sale to actual settlers.

Read first time and referred to Committee on Constitutional Amendments.

#### HOUSE BILL NO. 37 MADE SPECIAL ORDER.

Senator Hudspeth moved that House bill No. 37—irrigation bill—be made a special order for tomorrow morning, immediately following the morning call.

The motion prevailed.

#### SENATE JOINT RESOLUTION NO. 7.

(By Unanimous Consent.)

The Chair laid before the Senate, on third reading,

Senate Joint Resolution No. 7, To

amend Section 51. of Article 3 of the Constitution of the State of Texas, so as to authorize the grant of aid to indigent and disabled Confederate soldiers and sailors and their widows, and to soldiers who served in the militia and in organizations for the protection of the frontier and their indigent widows, and making appropriations for same.

The resolution was read third time and passed by the following vote:

Yeas—24.

Astin.	Nugent.
Brelsford.	Real.
Carter.	Taylor.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Vaughan.
Darwin.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
McGregor.	Westbrook.
McNealus.	Wiley.
Morrow.	Willacy.

Present—Not Voting.

Murray.

Absent.

Bailey.	Kauffman.
Gibson.	Paulus.
Johnson.	

Absent—Excused.

Lattimore.

Senator McNealus moved to reconsider the vote by which the resolution was passed and lay that motion on the table. The motion to table prevailed.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Astin:

Whereas, The Hon. Carlos Bee, a distinguished citizen of San Antonio, Texas, is now in the Capitol; therefore be it

Resolved by the Senate, That he be invited to address the Senate upon any matter that he desires, and that he be extended the privileges of the floor of the Senate.

ASTIN,  
WATSON,  
HUDSPETH.

The resolution was read and adopted. The Chair appointed Senators Astin, Watson and Hudspeth to escort Mr. Bee to the President's stand, whereupon he addressed the Senate.

## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Collins:

I move that the Senate give its consent to the House to take up and pass today House bill No. 897.

The resolution was adopted.

## SENATE JOINT RESOLUTION NO. 15.

(By Unanimous Consent.)

The Chair laid before the Senate, on third reading,

Senate Joint Resolution No. 15, Proposing to amend Article 16, Section 58, of the State Constitution, creating the office of Prison Commissioners, and making the term of office of the members of the Board of Prison Commissioners six years, to be elective.

The resolution was read third time and was passed by the following vote:

Yeas—26.

Astin.	McNealus.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
McGregor.	Willacy.

Absent.

Gibson.	Paulus.
Morrow.	Vaughan.

Absent—Excused.

Lattimore.

Senator Townsend moved to reconsider the vote by which the resolution was passed and lay that motion on the table.

The motion to table prevailed.

## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Astin:

I move that the Senate consent to the House taking up House Joint Resolution No. 28 today.

The resolution was read and lost.

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 860, A bill to be entitled "An Act creating the Willow Grove Independent School District, situated in Bell and McLennan counties; defining its metes and bounds, etc., and declaring an emergency."

Also, the House concurs in Senate amendment to House bill No. 35, by the following vote: Yeas, 103; nays, 9.

Also, the House concurs in Senate amendments to House bill No. 386, by the following vote: Yeas, 110; nays, 0.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

## HOUSE BILL ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after its caption had been read, the following House bill:

House bill No. 860, referred to Committee on Educational Affairs.

## HOUSE BILL NO. 102.

(Pending Business.)

Action recurred on the pending business. House bill No. 102, the question being on the amendment by Senator Watson. (See yesterday's Journal for the amendment.)

Senator Warren moved to table the amendment, which motion to table was lost by the following vote:

Yeas—12.

Brelsford.	Taylor.
Cowell.	Terrell.
Johnson.	Townsend.
McGregor.	Warren.
McNealus.	Westbrook.
Real.	Wiley.

Nays—13.

Astin.	Gibson.
Bailey.	Greer.
Collins.	Hudspeth.
Conner.	Kauffman.
Darwin.	Morrow.

Nugent. Willacy.  
Watson.

Absent.

Murray. Weinert.  
Vaughan.

Absent—Excused.

Lattimore. PAIRED.

Senator Carter (present), who would vote "yea" with Senator Paulus (absent), who would vote "nay."

Senator Westbrook offered the following amendment to the amendment:

Amend the amendment by striking out the words "by fine" wherever they occur, and by striking out the words "one hundred dollars or" wherever they occur, and by adding "provided, that in no event shall the jail sentence be for a less period than six months."

The amendment was read and Senator McGregor moved to table same, which motion to table prevailed.

Action recurred on the amendment by Senator Watson and the same was adopted by the following vote:

Yeas—16.

Astin.	Johnson.
Bailey.	Kauffman.
Collins.	Murray.
Conner.	Nugent.
Darwin.	Real.
Gibson.	Watson.
Greer.	Weinert.
Hudspeth.	Willacy.

Nays—10.

Brelsford.	Terrell.
Cowell.	Townsend.
McGregor.	Warren.
McNealus.	Westbrook.
Taylor.	Wiley.

Absent.

Morrow. Vaughan.

Absent—Excused.

Lattimore. PAIRED.

Senator Carter (present), who would vote "nay," with Senator Paulus (absent), who would vote "yea."

Senator Westbrook offered the following amendment, which was read and adopted:

Amend the committee report on page 3 by striking out the comma after the word "sword," in line 3.

Senator Darwin offered the following amendment:

Amend the committee report, page 3, by striking out lines 2, 3, 4 and 5.

Senator Townsend moved to table the amendment, which motion to table prevailed.

Senator Westbrook offered the following amendment, which was read and adopted:

Amend the committee report by changing the word "sling," on page 3, line 3, to "slung."

The bill was passed to a third reading.

Senator Darwin moved to reconsider the vote by which the bill was passed to a third reading and lay that motion on the table.

The motion to table prevailed.

Pending delay, Senator McGregor moved to rescind the vote by which House bill No. 102 was passed to a third reading, and that vote reconsidered and tabled.

The motion to rescind prevailed.

Senator McGregor moved to reconsider the vote by which the bill had passed to a third reading.

The motion prevailed.

Senator Warren offered the following amendment, which was read and adopted:

Amend the bill by striking out all of the caption and inserting in lieu thereof the following: "An Act to increase the punishment for unlawfully carrying arms by fine or by confinement in county jail, or by both fine and imprisonment, repealing all laws and parts of laws in conflict with the same, and declaring an emergency."

The bill was read second time and was passed to a third reading.

On motion of Senator McGregor, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Astin.	Kauffman.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Collins.	Nugent.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.

Absent.

Murray.	Vaughan.
Paulus.	Weinert.
Real.	Willacy.

Absent—Excused.

Lattimore.

The bill was read third time and was passed by the following vote:

Yeas—23.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Nugent.
Carter.	Taylor.
Collins.	Townsend.
Cowell.	Vaughan.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Johnson.	Wiley.
Kauffman.	Willacy.
McGregor.	

Nays—1.

Conner.

Absent.

Hudspeth.	Real.
Murray.	Terrell.
Paulus.	Weinert.

Absent—Excused.

Lattimore.

Senator McGregor moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 25.

(By Unanimous Consent.)

The Chair laid before the Senate, on third reading,

House bill No. 25, A bill to be entitled "An Act to carry into effect the provisions of the amendment to Section 51 of Article 3, Constitution of the State of Texas, adopted at an election in said State on the 5th day of November, A. D. 1912, and formally declared to be a part of said Constitution by a proclamation of the Governor of said State issued heretofore on the 30th day of December, A. D. 1913, by providing for the levy of an ad valorem tax of and not exceeding five cents on the one hundred dollars valuation on property in said State for the purpose of creating a special fund for the payment of pensions for services in the Confederate army, navy, frontier or-

ganizations, the militia of the State of Texas and for the widows of soldiers serving in said armies, navies, organizations and militia, and by providing how and under what regulations such fund shall be expended and controlled and how such pensions and the amounts thereof shall be paid to the persons entitled thereto, making the provisions of such bill cumulative of all laws in force in Texas not in conflict therewith, repealing all laws and parts of laws in conflict therewith, and prescribing a penalty for false swearing in connection with applications for pensions under the provisions of this act."

The bill was read third time and was passed.

Senator Taylor moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 259—REFUSED TO TAKE UP.

Senator Astin asked unanimous consent to take up House bill No. 259, and there was objection, and Senator Astin moved that the pending order of business, House bill No. 164, be suspended, and the Senate take up, out of its order, House bill No. 259.

The motion was lost by the following vote, a two-thirds vote being necessary:

Yeas—8.

Astin.	Vaughan.
Brelsford.	Warren.
Gibson.	Westbrook.
Nugent.	Willacy.

Nays—14.

Carter.	Morrow.
Collins.	Murray.
Conner.	Real.
Darwin.	Taylor.
Greer.	Townsend.
Kauffman.	Watson.
McNealus.	Wiley.

Present—Not Voting.

Cowell.	Johnson.
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Absent.

Bailey.	Paulus.
Hudspeth.	Terrell.
McGregor.	Weinert.

Absent—Excused.

Lattimore.

# HOUSE BILLS NOS. 123 AND 392— MADE SPECIAL ORDER.

Senator Brelsford moved that House bills Nos. 123 and 392 be made a special order for tomorrow morning immediately following the conclusion of the morning call.

The motion prevailed.

## HOUSE BILL NO. 245—FREE CONFERENCE COMMITTEE REPORT ON.

(Majority Report.)

Committee Room,

Austin, Texas, March 26, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred House bill No. 245, with the amendments thereto, have had the same under consideration, and beg leave to report that the committee has adjusted the differences between the House and Senate, having accepted certain Senate amendments, with the following exceptions:

(1)

First, to strike out the Senate amendment to the caption and the bill, providing for the emergency clause.

(2)

Amend House bill No. 245, page 1, line 22, by inserting after the word "infirmitv" the following: "such as renders him physically unable to write."

(3)

Amend House bill No. 245 by striking out the amendment adopted by the House, inserting between the word "infirmitv" and the word "in," on page 1, line 22, the words "or where a voter under the law is not required to pay a poll tax," and inserting in lieu thereof after the words "to write" in amendment No. 1, here offered, the following: "or is over the age of sixty years."

(4)

Amend House bill No. 245 by adding at the end of Article 258, on page 2, line 13, the following: "Provided, this act shall be in full force and effect from and after July 1, 1914."

We recommend the adoption of this report.

Respectfully submitted,

WILEY,  
LATTIMORE,  
WARREN,  
McNEALUS,

On the part of the Senate.

BURMEISTER,  
LEWELLING,  
HANEY.

On the part of the House.

We are opposed to the bill as amended, or without amendment.

WILLIAMS of McLennan.  
TILLOTSON.

I do not concur in the report.

WATSON.

(Minority Report.)

Committee Room,

Austin, Texas, March 26, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: A minority of your Free Conference Committee, appointed to consider House bill No. 245, beg to submit a report dissenting from the report of the majority of the committee.

We dissent from the recommendation that the bill become effective July 1, 1914, and recommend it to be effective July 1, 1915. If it be the purpose of the majority amendment to provide an exemption from the operation of the act, we submit that the recommendation of the majority report really provides no exemption. A suspension of the provisions of an act means that such suspension carries with it actual participations in the privileges sought to be withheld from those to whom the act would apply. There being no elections to be held prior to the date named in 1914, there is no real suspension of the provisions of the proposed act; and we submit that the date on which this measure shall become operative should be changed to the period named in the year of 1915.

We further desire to submit our dissent from the policy of disfranchisement which this bill seeks to establish. While it may not be asserted that the bill is in contravention of constitutional guaranties, it may be asserted with conviction that its intent does contravene the spirit of the guaranties of equal rights on the part of the citizenship of the State

to participate in the privileges of the franchise. Its spirit is violative of the policy recognized by Federal and State restrictions with reference to the franchise, and especially is this true with reference to its application to that large body of naturalized citizens who have aided so greatly in the development of the material prosperity of our State. To this element of our citizenship the provisions of this bill are unjust and outrageously discriminative, and no consideration of public policy has arisen or is likely to arise that will justify so arbitrary and radical a departure from the former long established policy of the State with reference to the exercise of the ballot.

We are opposed to the policy of special enactments regarding the control of elections. There has been pending in the House of Representatives since the first week of the present session, House bill No. 6, a bill providing for a complete revision of the Terrell Election Law, which revision was urgently commended to the consideration of this Legislature by the last Democratic State Convention, and we submit that the provisions of the pending House bill No. 6 contains every essential guaranty for the purity of the ballot claimed for House bill No. 245, and if enacted, will present all necessary provisions for the regulation of the ballot in one measure, avoiding confusion on the part of election officers and harmonizing more fully with the policy of the Democratic party in its traditional demand for honest elections.

The history of this bill indicates conclusively that it was introduced for specific application to conditions claimed to exist in certain counties on the western border of the State, where it is asserted the present election laws are being violated. There would seem to be no guaranty that this alleged condition would be wholly remedied by the enactment of the bill, as violations may occur under one law as well as under another where the intent to do so exists. On the other hand there will be a greater or lesser number of citizens of character and standing in their respective communities in every county of the State, and the total of which will be very large, who will be disfranchised by the provisions of this bill, because they will neither seek the ballot by subterfuge, nor become in any way parties to the violation of the spirit of the statutes of the State, whether or not those statutes be just or unjust. In brief, House bill No. 245,

while disfranchising a great number of reputable citizens, may not become an absolute bar to the misuse of the franchise by those disposed to avoidance of its provisions.

The long and complicated ballot presented to the voters of the State at every general election, together with the numerous restrictions embodied in the present Terrell Election Law, renders it practically certain that a great many citizens not contemplated by the provisions of this bill will be disfranchised through errors of some kind committed in making out their ballots. It may be that the time is not far distant when an illiteracy test will be imposed as a condition of the franchise, but we submit that, in accordance with the spirit of our National and State policies, and in consideration of the varying elements of our citizenship at the present time, as well as our present mode and manner of voting, render the enactment of such provisions as this bill carries unjust to so large a portion of our citizens that it should not receive the approval of the Legislature.

Respectfully submitted,

WATSON,

On the part of the Senate.

TILLOTSON,

WILLIAMS of McLennan,  
On the part of the House.

The above two Free Conference Committee reports were read and Senator Watson moved to substitute the minority committee report for the majority committee report.

Senator Warren moved to table the motion by Senator Watson to substitute the minority committee report for the majority committee report, which motion to table prevailed by the following vote:

Yeas—17.

Brelsford.	McNealus.
Carter.	Nugent.
Collins.	Taylor.
Conner.	Townsend.
Cowell.	Vaughan.
Darwin.	Warren.
Gibson.	Westbrook.
Greer.	Wiley.
Johnson.	

Nays—10.

Astin.	Murray.
Bailey.	Terrell.
Hudspeth.	Watson.
Kauffman.	Weinert.
McGregor.	Willacy.

## Absent.

Morrow.

Paulus.

Real.

Absent—Excused.

Lattimore.

Action recurred on the majority committee report, and Senator Watson made the following motion:

I move as a substitute that the Senate do not adopt the report of the Free Conference Committee on House bill No. 245, but that a new Free Conference Committee be requested of the House and that the following be elected on the part of the Senate: Senators Murray, Hudspeth, Conner, Greer and Kauffman.

On motion of Senator Vaughan the motion by Senator Watson was tabled.

Action recurred on the majority report and the same was adopted by the following vote:

## Yeas—17.

Brelsford.

Carter.

Collins.

Conner.

Cowell.

Darwin.

Gibson.

Greer.

Johnson.

McNealus.

Nugent.

Taylor.

Townsend.

Vaughan.

Warren.

Westbrook.

Wiley.

## Nays—9.

Astin.

Bailey.

Kauffman.

McGregor.

Murray.

Terrell.

Watson.

Weinert.

Willacy.

## Absent.

Morrow.

Paulus.

Real.

## PAIRED.

Senator Hudspeth (present), who would vote "nay," with Senator Lattimore (absent), who would vote "yea."

Senator Vaughan moved to reconsider the vote by which the report was adopted and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 570 MADE SPECIAL ORDER.

Senator Weinert moved that House bill No. 570 be made a special order immediately following the noon recess.

The motion prevailed.

## HOUSE BILL NO. 164.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 164, A bill to be entitled "An Act to provide for the payment of salaries to all district attorneys and county and precinct officials, and providing that the fees to which they are now entitled shall be collected by them and paid into the county treasury of their respective counties, and abolishing the fees allowed by district attorneys."

The bill was read, and

Senator Collins offered the following amendment:

Amend the bill as follows: At the end of Article 3883, add the following:

"And provided further, that in all counties where the qualified voters have voted for irrigation, drainage or navigation districts, the commissioners court may, in its discretion, allow extra fees to tax collectors for collecting the taxes provided for such districts."

The amendment was read and Senator Carter moved to table same, which motion prevailed by the following vote:

## Yeas—16.

Astin.

Brelsford.

Carter.

Cowell.

Darwin.

Gibson.

Greer.

Johnson.

Kauffman.

McNealus.

Murray.

Terrell.

Townsend.

Warren.

Weinert.

Wiley.

## Nays—6.

Bailey.

Collins.

Nugent.

[REDACTED]

Taylor.

Watson.

Westbrook.

## Present—Not Voting.

Conner.

Willacy.

## Absent.

Hudspeth.

McGregor.

Morrow.

Paulus.

Real.

Vaughan.

## Absent—Excused.

Lattimore.

Senator Terrell offered the following amendment:

Amend the bill, page 2, by striking out all of line 8, after the word "census" down to and including the word "treasurer" at the end of line 12.

The amendment was read and adopted by the following vote:

Yeas—15.

Astin.	McGregor.
Bailey.	Nugent.
Conner.	Terrell.
Gibson.	Townsend.
Greer.	Watson.
Hudspeth.	Wiley.
Johnson.	Willacy.
Kauffman.	

Nays—11.

Brelsford.	Murray.
Carter.	Taylor.
Collins.	Warren.
Cowell.	Weinert.
Darwin.	Westbrook.
McNealus.	

Present—Not Voting.

Vaughan.

Absent.

Morrow.	Real.
Paulus.	

Absent—Excused.

Lattimore.

(Senator Townsend in the chair.)

#### RECESS.

On motion of Senator Wiley, the Senate, at 12:20 o'clock p. m., recessed until 2:30 o'clock today.

#### AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Taylor:

Resolved by the Senate, That permission be hereby granted the House of Representatives to suspend the joint rules of the two bodies in order to pass a bill to cover deficiencies in the contingent expenses.

The resolution was read and lost by the following vote:

Yeas—7.

Conner.	Nugent.
Johnson.	Taylor.

Terrell.	Westbrook.
Townsend.	

Nays—15.

Astin.	Kauffman.
Brelsford.	McGregor.
Carter.	McNealus.
Collins.	Murray.
Cowell.	Watson.
Gibson.	Weinert.
Greer.	Wiley.
Hudspeth.	

Present—Not Voting.

Bailey.	Morrow.
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Absent.

Darwin.	Vaughan.
Paulus.	Warren.
Real.	Willacy.

Absent—Excused.

Lattimore.

#### EXECUTIVE MESSAGE—VETOING SENATE BILL NO. 26.

Governor's Office,  
Austin, Texas, March 27, 1913.

To the Senate:

I return herewith Senate bill No. 26 without approval, the same being "An Act to establish the Central West Texas State Normal," etc.

The State has already established four normal schools. Two of these schools were originally established as private institutions, but by systematic effort and influence the Legislature was induced to take them over as State colleges. The first normal school established by the State is located at Huntsville and has now approximately 582 students in attendance. The second one established is located at Denton, with 750 students in attendance. The third normal is located at San Marcos with 538 students in attendance, and the fourth one is at Canyon City, on the Plains, with 518 students in attendance, making the total attendance on the four normal schools 2388. With comparatively small expense the capacity of these four institutions can be increased to five thousand. A duplication in the expenditure of money for the establishment of additional normal schools would be unnecessary, and is an unnecessary and unjustifiable tax upon the revenues of the State. An increase in the number of these schools will have a tendency to deprive those already in operation of needed appropriations for their support and development.

The four normal colleges already in operation required an appropriation by the last Legislature of \$335,695.00. An additional normal college would require an appropriation in the sum of \$100,000.00 for its building, and approximately \$60,000 per annum thereafter to support it, that being about the average required for the four colleges already established.

Two years ago I vetoed a bill establishing a fifth normal school at Waco for the reasons assigned for disapproving this measure. The additional school provided for two years ago and the one sought to be established now are not needed. These bills are evidently passed in response to efforts of particular localities who want a State institution located in their midst. If this policy is to obtain and continue, then we should, in one bill, provide for the establishment of a State normal school in each senatorial district in Texas, and be done with it. Such a provision, however, would entail an annual expenditure for their support and maintenance of approximately three million dollars, a sum of money far in excess of what is now being collected annually from ad valorem taxes.

The experience of other States, like Oklahoma and Nebraska, in the establishment of numerous normal colleges has been disastrous. The Governors of those States, in their annual messages to the Legislature, recommended the abandonment of some which had been established.

There ought to be an end of the "scattering" period of locating State educational institutions. They should be concentrated where energy and resources could be combined to make them first-class in every respect.

Respectfully submitted,  
O. B. COLQUITT,  
Governor of Texas.

#### HOUSE BILL NO. 164.

(Pending Business.)

Action recurred on the pending business, House bill No. 164, the fee bill.

Senator McGregor offered the following amendment:

Amend the bill, page 3, line 1, by striking out the words "thirty-five hundred" and by inserting in lieu thereof the word "six thousand dollars."

The amendment was read and Senator

Carter moved to table same, which motion was adopted by the following vote:

Yeas—19.

Astin.	Murray.
Brelsford.	Taylor.
Carter.	Terrell.
Collins.	Townsend.
Conner.	Warren.
Cowell.	Weinert.
Darwin.	Westbrook.
Gibson.	Wiley.
Greer.	Willacy.
Johnson.	

Nays—7.

Bailey.	McNealus.
Hudspeth.	Nugent.
Kauffman.	Watson.
McGregor.	

Absent.

Morrow.	Real.
Paulus.	Vaughan.

Absent—Excused.

Lattimore.

Senator Taylor offered the following amendment:

Amend Article 3883 by fixing the maximum salaries of county clerk, district attorney, district clerk, collector of taxes and assessor of taxes in counties containing as many as 38,000 inhabitants at \$3,500 per annum.

Senator Carter moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—14.

Astin.	Terrell.
Carter.	Townsend.
Conner.	Warren.
Cowell.	Weinert.
Darwin.	Westbrook.
Greer.	Wiley.
Johnson.	Willacy.

Nays—10.

Bailey.	McNealus.
Collins.	Nugent.
Hudspeth.	Taylor.
Kauffman.	Vaughan.
McGregor.	Watson.

Present—Not Voting.

Brelsford.	Murray.
	Absent.

Gibson.	Paulus.
Morrow.	Real.

## Absent—Excused.

Lattimore.

Senator Hudspeth offered the following amendment:

Amend the bill by adding after the word "annum," line 4, page 3, the following: "a county treasurer, an amount not exceeding twenty-four hundred dollars per annum, and there may be allowed the sum of twelve hundred dollars per annum for employing of a deputy when the services of said deputy are deemed necessary by the commissioners court."

The amendment was read and Senator Carter moved to table same, which motion to table was adopted by the following vote:

## Yeas—16.

Astin.	Johnson.
Carter.	McNealus.
Collins.	Morrow.
Conner.	Taylor.
Cowell.	Warren.
Darwin.	Weinert.
Gibson.	Westbrook.
Greer.	Wiley.

## Nays—10.

Bailey.	Nugent.
Hudspeth.	Terrell.
Kauffman.	Townsend.
McGregor.	Watson.
Murray.	Willacy.

## Present—Not Voting.

Brelsford.

## Absent.

Paulus.	Vaughan.
Real.	

## Absent—Excused.

Lattimore.

Senator Bailey offered the following amendment:

Amend the bill, page 3, lines 10 and 11, by striking out the words "twenty-seven hundred and fifty" and by inserting in lieu thereof the words "thirty-six hundred."

McGREGOR,  
BAILEY.

The amendment was read and lost by the following vote:

## Yeas—7.

Bailey.	Taylor.
Hudspeth.	Terrell.
McGregor.	Watson.
Nugent.	

## Nays—19.

Astin.	McNealus.
Brelsford.	Morrow.
Carter.	Murray.
Collins.	Townsend.
Cowell.	Warren.
Darwin.	Weinert.
Gibson.	Westbrook.
Greer.	Wiley.
Johnson.	Willacy.
Kauffman.	

## Present—Not Voting.

Conner.

## Absent.

Paulus.	Vaughan.
Real.	

## Absent—Excused.

Lattimore.

Senator Bailey offered the following amendment:

Amend the bill, page 3, line 5, by striking out the words "twenty-five hundred" and inserting in lieu thereof the words "five thousand."

McGREGOR,  
BAILEY.

The amendment was read and lost.

Senator Bailey offered the following amendment:

Amend the bill, page 4, line 23, by inserting after the word "telephone" and the word "traveling" the words "making of his official bond."

McGREGOR,  
BAILEY.

The amendment was read and lost.

Senator Terrell offered the following amendment:

Amend the bill, page 3, line 8, after the word "annum" by adding the following: "Provided, that where a district clerk is required to wait on two or more district courts said clerk shall be allowed the sum of thirty-five hundred dollars."

The amendment was read and lost.

Senator Darwin offered the following amendment, which was read and adopted:

Amend the bill, page 3, line 24, by striking out all after the word "one-fourth," in line 24, down to and including the word "dollars," in line 27.

Senator Carter moved the previous question on the bill, which motion being duly seconded, was so ordered.

The bill was read second time and passed to a third reading.

Senator Carter moved to reconsider the vote by which the bill was passed

to a third reading and lay that motion on the table.

The motion to table prevailed.

### THIRD HOUSE MESSAGE.

Hall of the House of Representatives.  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 79, A bill to be entitled "An Act to amend Section 10, Chapter 23, of the General Laws of the First Called Session of the Thirtieth Legislature, as amended by Chapter 114, Acts of the Thirty-first Legislature, as amended by Chapter 51, Acts of the Thirty-second Legislature, so as to extend the time within which and prescribe conditions upon which domestic and foreign corporations which are now in default in payment of franchise taxes and penalties may pay same and have their right to do business revived, by extending until the first day of September, A. D. 1913, the time during which corporations embraced within the terms of said act may pay to the Secretary of State franchise taxes and penalties referred to in said act, and have their rights to do business revived; and providing for forfeiture of the charters of such domestic corporations as may fail so to do, and declaring an emergency," with amendments.

Senate bill No. 146, A bill to be entitled "An Act to amend an act of the Thirty-second Legislature, entitled 'An Act to amend Article 21, Title 4, of the Revised Civil Statutes, and to amend an act passed by the Thirtieth Legislature creating the Sixth Supreme Judicial District of Texas, and to create the Seventh and Eighth Supreme Judicial Districts of Texas, and to create the Ninth Supreme Judicial District of Texas, and to provide for the organization of a Court of Civil Appeals within the Ninth Supreme Judicial District of Texas, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency," with amendments.

Senate bill No. 21, A bill to be entitled "An Act to prescribe hours between which dealers in spirituous, vinous and malt liquors shall be required to keep their places of business closed."

Senate bill No. 204, A bill to be entitled "An Act defining and creating the occupation of contracting stevedores; requiring all such to execute bond payable to the county judge, conditioned to protect and pay wages to laborers employed by such contracting stevedores in loading and unloading ships, vessels or other water crafts, and requiring all such to obtain a license before engaging in such occupation in each county in which they pursue it; making it unlawful to pursue said occupation without first giving bond and obtaining the license, and punishing such as a misdemeanor by fine, and declaring an emergency," with amendments.

Senate bill No. 210, A bill to be entitled "An Act for the prevention of cruelty to animals; for the prevention of impounding same without food or water; providing for the sanitary and humane treatment of fowls and other birds; prescribing penalties; providing that agents and officers of the State Humane Society may make arrests, and may take charge of neglected, abandoned or cruelly treated animals, and destroy same under certain circumstances, and declaring an emergency."

Senate bill No. 220, A bill to be entitled "An Act to authorize the qualified voters of any county or political subdivision thereof in this State to determine by an election to be held for that purpose, whether or not pool rooms or pool halls shall be prohibited in such county or subdivisions thereof; to provide the manner of holding elections for such purpose and declaring the result thereof; defining the term pool room or pool hall, and providing a penalty for the violation of the provisions of this act; and providing that after such county or subdivisions thereof has prohibited by vote the running of pool rooms or pool halls the county attorney of such county, or district attorney of the district in which such county is located may by injunction prohibit the running of such pool rooms or pool halls, and declaring an emergency."

Senate bill No. 30, A bill to be entitled "An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, restaurant or theater, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel, restaurant or theater, or other establishment employing any female to provide

suitable seats for all employes, and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this act," with amendments.

The House concurs in Senate amendments to House bill No. 103 by the following vote: Yeas, 98; nays, 10.

Also adopts Free Conference Committee report on Senate bill No. 342 by the following vote: Yeas, 110; nays, 6.

Also adopts Free Conference report on Senate bill No. 88 by the following vote: Yeas, 94; nays, 24.

Also the House concurs in Senate amendments to House bill No. 564.

Also the House adopts Free Conference report on House bill No. 245 by the following vote: Yeas, 81; nays, 45.

House grants request of Senate for Free Conference Committee on Senate bill No. 424, and the following members have been appointed: Messrs. Ridgell, McKamy, Lewelling, Parks and Davis.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### SENATE BILL NO. 88—FREE CONFERENCE COMMITTEE REPORT, ADOPTION OF.

Committee Room,

Austin, Texas, March 26, 1913.

Hon. Will H. Mays, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: We, your Conference Committee appointed by your respective bodies to consider the amendments of the House to Senate bill No. 88, have had the same under consideration and beg to report that we have agreed upon the following amendments to said bill:

Amend by striking out all after the caption and inserting in lieu thereof the following:

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of Texas be so amended as to hereafter read as follows:

"Article 7435. Application for License.—Any person or persons desiring to obtain a retail liquor dealer's license

in this State or a retail malt dealer's license, shall, before filing his or their petition for such license with the county judge as now provided by this law, make application under oath to the Comptroller of Public Accounts of this State for a permit to apply for a license to engage in such business, which application shall be in form substantially as follows:

"To the Comptroller of Public Accounts of the State of Texas:

"I, or we,.....and....., of the county of ....., State of Texas, hereby apply for a permit to apply for a license to engage in the business of retail liquor dealer or dealers (or retail malt dealer or dealers) under the laws of this State, said business to be conducted at No.....street, in .....in the county of....., State of Texas; that there is now no statute or ordinance of the city in force prohibiting the retail sale of liquors at said place; that I, or we, have resided for the past two years in.....county, State of Texas, and during said time have been engaged in the business of.....; that I am, or we are, not disqualified under the laws of this State from engaging in the proposed business; that no other person or corporation is in any manner interested in or to be interested in the proposed business; that I, or we, have not, since the first day of May, A. D. 1909, as owner or as the representative, agent or employee of any other person, kept open any saloon or place of business where spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquor after 12 o'clock midnight on Saturday and between that hour and 6 o'clock a. m. of the following Monday of any week; or since said date, either in person or by agent or employee knowingly sold or permitted to be sold or given away in or near any such place of business any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication to any person under the age of twenty-one years, or to any student of any institution of learning, or to any habitual drunkard, after having been notified in writing through the sheriff or other peace officer, by the wife, sister, father, mother or daughter of such person not to sell to such habitual drunkard; or permitted any person not over the age of twenty-one years to enter and remain in such

house or place of business or permitted any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rented or let any part of the house or place of business in which such business was conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sold or given away any adulterated or impure liquors of any kind, or sold or permitted, aided or advised in selling under a retail malt dealer's license any other liquors than those defined by the law as malt liquors. And if the permission herein sought to be granted and the said retail license be issued, I, or we, will not either in person, or knowingly by any agent, employe or representative, during the year for which such license shall run, keep open house or place where liquors shall be sold under such license for the sale thereof, or transact such business in such house or place of business after 9:30 o'clock on Saturday and between that hour and 6:00 o'clock a. m. on the following Monday of any week; or between the hours of 9:30 p. m. and 6:00 a. m. of the following morning of any week day; or knowingly sell in or near any such place of business, or give away, or permit to be given away, any spirituous vinous or malt liquors or medicated bitters capable of producing intoxication to any person under the age of twenty-one years, or to any student of any institution of learning, or to any habitual drunkard after having been notified in writing, through the sheriff or other peace officer by the wife, mother, father, daughter or sister not to sell to such habitual drunkard; or to permit any person not over the age of twenty-one years to enter and remain in such house or place of business; or permit any game prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rent or let any part of the house or place of business in which such business is conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sell or give away any impure liquor or adulterated liquors of any kind; and, if the application be for a retail malt dealer's license, it shall further state that he or they under the said license will not sell any other liquors than those defined by law as "malt liquors." And it is hereby agreed that, if the license to be applied for be issued, that

the same will be issued upon condition that it shall remain in force only so long as I, or we, observe and carry out each and all of the declarations herein made, and that in the event I, or we, violate any of the promises or do or perform any one or more of the acts which it is herein declared shall not be done or performed, or in the event that I, or we, violate any penal law of this State relating to retail liquor dealers, that either the county judge or the Comptroller of Public Accounts of the State of Texas, in the manner provided in this law, may rescind, cancel and annul the said State and county license granted in pursuance of this application, and that all money paid for such license shall be forfeited to the State and county or city to whom paid; and that I, or we, will at once, upon the cancellation of such license, close up the place where such business is being conducted, and cease to do such business, and will not within five years from that date again, either as owner, agent, representative or employe of any other person, attempt to enter into or engage in the retail liquor business, unless the order of the Comptroller cancelling and rescinding such license shall be annulled, in case such licenses shall have been canceled by the Comptroller.

Sworn to and subscribed before me,  
a ..... within and for the  
county of ....., State of Texas,  
by ....., on this, the .....  
day of ....., 19...

(L. S.)

(Signature of officer.)

That, upon receiving such application, it shall be the duty of the Comptroller to file the same and keep it as a permanent record in his office, to examine and act upon the same; and, if he is satisfied that such applicant is entitled to such permit, he shall, upon the payment to him by the applicant of two dollars, issue to him such permit, under his hand and the seal of his office, which, together with a copy of such application, duly certified to under the hand and seal of the Comptroller, shall be delivered by him to the applicant; and the said permit, together with the certified copy of said application, shall be filed with the county judge, together with the petition for license to be filed with the county judge, and shall remain a permanent record in the office of the county judge; and no petition for

license shall be entertained by the county judge until said certified copy and permit have been filed with him by the applicant.

Article 7442. Comptroller May Revoke License.—Upon receipt of the said depositions, the Comptroller shall open and proceed to consider the same, and, if he shall determine from the preponderance of the credible evidence therein contained, that at any time after the issuance of said license the house or place where the business of selling liquors under said license was conducted, was kept open and business conducted therein after 9:30 on Saturday and between that hour and 6 o'clock a. m. on the following Monday or any week, or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, or that any intoxicating liquors, or medicated bitters capable of producing intoxication, were knowingly sold, permitted to be sold or given by the holder or holders of such license to any person under the age of twenty-one years, or to any student of any institution of learning, or to any habitual drunkard after having been notified in writing through the sheriff, or other peace officer, by the wife, mother, father, daughter or sister of such habitual drunkard not to sell same to him, or that any person not over the age of twenty-one years had been permitted to enter and remain in such house or place of business, or that games prohibited by laws of this State had been permitted to be played, dealt or exhibited in or about such house or place of business, or that the person or persons holding such license had rented or let any part of the said house or place of business where such business is conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State, or that the person or persons holding such license had knowingly sold or given away any adulterated or impure liquors of any kind, or sold, or knowingly permitted to be sold, or aided or advised in selling, under a retail malt dealer's license, any other liquors than those defined by law as malt liquors, he shall rescind, vacate and withdraw such license, and shall issue a certificate in triplicate under his hand and the seal of said office, declaring the rescission of such license, theretofore issued, to such person or persons, one copy of which certificate shall remain on file in his office, and one copy shall be for-

warded by the Comptroller by mail to the county judge of the county where the place of business of the person or persons whose license is withdrawn and rescinded is located, and the other copy shall be forwarded by mail to the person or persons whose license has been so rescinded and withdrawn; and it shall be unlawful thereafter for such person or persons to continue such business, and any attempt to do so shall subject him or them to the penalty herein provided for pursuing such business without a license; and any person or persons whose license has been so rescinded and withdrawn shall forfeit to the State, county and city all money paid therefor, and they shall never have any claim against the State, county or city on account of any money paid for such license.

Article 7451. Regulating Hours of Closing, Etc.—Every person or firm having a license under the provisions of this law, who may be engaged in or who may hereafter engage in the sale of intoxicating liquors to be drunk on the premises in any locality of this State, other than where local option is in force, shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week; or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 9:30 p. m. Saturday until 6 a. m. of the following Monday of each week, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day.

Article 7452. Bond.—Every person or firm desiring to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, to be drunk on the premises, shall, before engaging in such sale, be required to enter into a bond in the sum of five thousand dollars; provided, however, that any person or firm dealing exclusively in malt liquors shall be required to give bond only in the sum of one thousand dollars, with at least two good, lawful and sufficient sureties, and the sureties required by law on the bonds of liquor dealers shall make affidavit, before some officer authorized to administer oaths, that they, in their own right, over and above

all exemptions, are each worth the full amount of the bond they sign as sureties; and no county judge shall approve any such bond unless the affidavit as provided for in this article shall have been duly made. The approval of any such bond by the county judge without such affidavit shall make said county judge liable for any penalty recovered on such liquor dealer's bond; and any person who shall make any false affidavit, as required by this law, shall be punished as provided for in the Penal Code of this State; provided, that nothing herein shall prevent the making of such bond by a surety company as permitted by law, payable to the State of Texas, to be approved as to security by the county judge; which bond shall be conditioned that said person or firm so selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, shall not, either in person or knowingly by any agent, employe or representative, during the year for which such license shall run, keep open the house or place where liquors shall be sold under such license for the sale thereof, or transact such business in such house or place of business, after 9:30 o'clock on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week, or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and that such person or firm shall keep an open, quiet and orderly house or place for the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, and that such person or firm, or his or their agent or employe, will not sell or permit to be sold in his or their house or place of business, nor give not permit to be given, any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, to any person under the age of twenty-one years, or to a student of any institution of learning, or any habitual drunkard, after having been notified in writing, through the sheriff or other peace officer, by the wife, father, mother, daughter or sister of such habitual drunkard, said notice shall be in force and effect for a period of two years, not to sell to any such person, and that he or they will not permit any person under the age of twenty-one years to enter and remain in such house or place of business; that he or they will not permit any games prohibited by the law of this State to be played, dealt or exhibited in

or about such house or place of business, and that he or they will not rent or let any part of the house or place in which he or they have undertaken to sell spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, to any person or persons for the purpose of running or conducting any game or games prohibited by the laws of this State, and that he or they will not adulterate the liquors sold by them in any manner, mixing the same with any drug, and that he or they will not knowingly sell or give away any impure or adulterated liquors of any kind, and that he or they will not violate any penal law of this State relating to retail liquor dealers, which said bond shall be filed in the office of the county clerk of the county where such business is conducted, and shall be recorded by such clerk in a book to be kept for such purpose; for which service said clerk shall be entitled to a fee of seventy-five cents; which said bond may be sued on at the instance of any person or persons aggrieved by the violations of its provisions, and such person shall be entitled to recover the sum of five hundred dollars as liquidated damages for each infraction of the conditions of such bond; and the said bond shall not be void on the first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil proceedings for individual injuries brought on said bond, as above indicated, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county and district attorney, or either of them, to institute suit thereupon; or any person owning real property in the county may institute suit thereupon, in the name of the State of Texas, for the use and benefit of the county, but no compensation shall be allowed such citizen, and he may be required to give security for costs; and the amount of five hundred dollars as a penalty shall be recovered from the principals and sureties upon the liquor dealer's bond, upon the breach of any of the conditions thereof; and hereafter, when any recovery is had by any person, or by any county or district attorney, for the use and benefit of the county in any action in any court of competent jurisdiction, upon the bond of any person or firm engaged in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication,

or malt liquors exclusively, to be drunk on the premises, in any locality other than where local option is in force, upon the ground that such licensee sold, or permitted to be sold, or gave or permitted to be given, any such liquors to a minor in his place of business, or permitted a minor to enter or remain in his place of business, or sold such liquor to any habitual drunkard after having been notified in writing not to sell to such habitual drunkard, or that such licensee permitted prostitutes or lewd women to enter and remain in his place of business, or permitted any games prohibited by the law to be played, dealt or exhibited in or about his place of business, or of renting or letting his place of business, or any part thereof, for such purpose or purposes, the license of such person or firm shall, by reason of such recovery, be forfeited, revoked and cancelled; and the court entering judgment of recovery shall also enter an order declaring forfeited, revoked and canceled such license; and the unearned portion of the occupation tax paid therefor shall not be refunded, but shall be forfeited to the State and county, city or town to which the money for the same may have been paid. And any person or firm who shall sell any such liquors or medicated bitters in any quantity, to be drunk on the premises, without first giving bond as required by law, or who shall sell the same after said license shall have been forfeited, revoked or canceled, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in the same amount provided for sales where no license has been obtained. An open house, in the meaning of this chapter, is one in which no screens or other device is used or placed inside or outside of such house or place of business for the purpose of or that will obstruct the view through the open door or place of entrance into any such house or place where intoxicating liquors are sold to be drunk on the premises. A quiet house or place of business, in the meaning of this chapter, is one in which no music, loud or boisterous talking, yelling or indecent or vulgar language is allowed, used or practiced, or any other noise calculated to disturb or annoy any person residing or doing business in the vicinity of such house or place of business, or those passing along the streets or public highways. By an orderly house is meant one in which no prostitutes or lewd women or woman are allowed to enter or remain; and it is further provided, that said house must not contain any vulgar

or obscene pictures. Any surety on such bond may relieve himself from further liability thereon by giving the principal in said bond notice in writing that he will no longer remain as surety thereon, and filing with the county judge an affidavit that such notice has been given; and, if within five days after such notice the principal fails to make a new bond, he shall cease to pursue said business until a new bond is given. Any person who shall continue to pursue said business, after such notice is given and such affidavit is filed, shall be guilty of a misdemeanor and shall be punished as provided in cases where no license has been procured; provided, that where the sale was made in good faith, or the minor permitted to enter and remain in good faith, with the belief that the minor was of age, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond; provided, further, that where the sale to an habitual drunkard is made in good faith, with the belief that he is not an habitual drunkard, and there are good grounds for such belief, that shall be a valid defense to any recovery on such bond; provided, the provisions of this law shall apply to suits by the State or of any individual. Provided, that no license shall be issued under this law to any person who has been convicted of a felony and served such term of conviction."

Amend the caption so as to read as follows:

"An Act to amend Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of the State of Texas, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6:00 a. m. of the following Monday morning; and between the hours of 9:30 p. m. and 6:00 o'clock a. m. of the following morning of any week day; and authorized recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers."

VAUGHAN,  
WARREN,  
WATSON,  
WEINERT,

On part of the Senate..

ALLISON,  
FULLER,  
LONG,

- On part of the House.

The above report was laid before the Senate and, on motion of Senator Watson, the reading of same was dispensed with.

The report was adopted by the following vote:

Yeas—24.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Watson.
Greer.	Weinert.
Hudspeth.	Westbrook.
Johnson.	Wiley.

Present—Not Voting.

McGregor.

Absent.

Kauffman.	Warren.
Paulus.	Willacy.
Vaughan.	

Absent—Excused.

Lattimore.

#### SENATE BILL NO. 30—FREE CONFERENCE COMMITTEE ON.

Senator Collins called up Senate bill No. 30, with the following House amendments:

(1)

Amend by striking out all after the enacting clause and insert the following:

Section 1. No female shall be employed in any manufacturing mechanical or mercantile establishment, or working, packing house, laundry, printing office, dressmaking or millinery establishment, hotel, restaurant or theatre, or telegraph or telephone establishment and office for more than nine (9) hours during any one day nor more than fifty-four (54) hours in any one week, the hours of such employment to be so arranged as to permit the employment of such female at any time so that she shall not work more than a maximum of ten (10) hours during the twenty-four (24) hour period of one day, but in no event more than fifty-four (54) hours in one week.

Sec. 2. Every employer in any manufacturing, mechanical or mercantile establishment, or workshop, packing house, laundry, printing office, dressmaking or

millinery establishment, hotel, restaurant, or theatre, or telegraph or telephone establishment and office or any other establishment employing any female shall provide suitable seats for all female employes and permit them to use such seats when not engaged in the active performance of the duties of their employment.

Sec. 3. Any employer, overseer, superintendent, foreman or other agent of any such employer who shall require any female to work in any of the places mentioned in Section 1 more than the number of hours provided for in this act, during any day of twenty-four (24) hours, or who shall fail, neglect, or refuse to so arrange the work of females employed in said places mentioned in Section 1 so that they shall work more than the number of hours provided for in this act during any day of twenty-four (24) hours or the number of hours prescribed by this act in any one week, or who shall fail, neglect or refuse to provide suitable seats as provided in Section 2 of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty (\$50) dollars nor more than two hundred (\$200) dollars, or imprisonment in the county jail not less than five (5) nor more than thirty (30) days, or both fined and imprisoned.

Sec. 4. And provided further that the provisions of this act shall not become effective until the first day of October, A. D. 1913.

(2)

Amend caption by inserting between the words "workshop" and "laundry" the words "packing house."

Senator Conner made the following motion:

I move that the Senate do not concur in the House amendments to Senate bill No. 30, and request a Free Conference Committee, and that the following be elected on the part of the Senate: Senators Warren, Morrow, Nugent, Weinert and Collins.

The above motion was read and Senator Collins made the following motion, as a substitute motion:

I move that the Senate concur in the House amendments to Senate bill No. 30.

Senator Watson made the point of order that the House amendments were in reality a substitute by the House for the Senate bill, and should, under Senate rules Nos. 28 and 34, be referred to a committee, taking the same course as a House bill.

The Chair took the point of order under advisement.

# HOUSE BILL NO. 570.

(Special Order.)

The Chair laid before the Senate, on second reading.

House bill No. 570, A bill to be entitled "An Act to provide for the establishment and maintenance of a State training school upon the cottage plan for incorrigible and delinquent girls of Texas, to locate same and provide for its control, management and for a board of advisers to determine conditions of admission to and dismissal from said training school, and to make appropriations for its establishment and maintenance."

Senator Hudspeth offered the following amendments, severally, which were read and adopted:

(1)

Amend the bill by striking out all after the enacting clause and insert the following:

Section 1. There is hereby established an institution to be legally known as the "State Home and School for Dependent Girls," but the board of directors may designate some other names by which the place at which the institution is located shall be popularly known. The board of directors herein provided for shall locate said institution and provide the necessary lands and buildings therefor.

Sec. 2. The board of directors shall consist of seven members, five of whom shall be appointed by the Governor from the directorate of the State Humane Society, together with the president of the State Humane Society and the State Health Officer, who shall be ex-officio members of said board. The members of this board may exercise with reference thereto the same control that is exercised by the board of directors of the State Institution for Training Juveniles with reference to that institution, and shall in addition thereto exercise the rights and powers herein conferred and these powers shall include the right to receive in behalf of the State donations for said institution. The board shall select a superintendent, who shall be a woman familiar with work required by this bill, who shall have the duties and be subject to provision of law with reference to the superintendent of the State Institution for the Training of Juveniles.

Sec. 3. Said institution may, without oath or bond, be appointed and become the guardian of the person of any girl in this State not more than eighteen years of age when so designated by the probate court of any county in Texas, and as such guardian may exercise over such girl such control and restraint as may seem advisable to the board of directors of said institution or to the superintendent selected by them.

Sec. 4. Whenever any girl over the age of nine and under the age of eighteen shall be convicted of any offense under the laws of the State of Texas, and a part of the punishment assessed against her is confinement in the penitentiary, or any county jail, such punishment may be carried out by committing her to said institution, and any pecuniary fine may be discharged by such confinement, she being allowed fifty cents per day for each day so confined in discharge of such pecuniary fine. The provision here made for the confinement of girls convicted of crime shall be made effective by the judge trying said cause by an order entered to that effect after the assessment of the punishment by the court or jury and the making of said order shall be at his discretion.

Sec. 5. It shall be the purpose of this home and school to provide an institution of training for girls who, by their own misconduct, or by their unfavorable surroundings, need the care and attention not heretofore provided, and in the accomplishment of the purposes of this act, the board of directors shall provide wholesome and proper quarters, and exercise and diversion, and shall make provision for training in all of the useful arts and sciences to which women are adapted. A proper hospital shall be provided, and instructions given therein in nursing, sanitation and hygiene.

Sec. 6. It is the purpose of this act to provide a home and proper training for all unfortunate girls needing the assistance of the State, but care shall be exercised to prevent contact between those who will merely need a home as distinguished from those who have committed offenses until the superintendent or directors are convinced of the reformation of the latter. As to girls convicted of crime, the board shall have the authority and discretion to extend paroles, and as to such paroles, the provisions of Title 76, of the Revised Civil Statutes shall apply, except where in conflict with this act.

Sec. 7. Any person in this State, or

the State Humane Society, or any institution of a similar purpose and character may file with the county judge of any county in the State an application and statement with reference to any girl over the age of seven and not over eighteen years of age asking that the State Home and School for Dependent Girls be appointed guardian of her person, which application shall state the facts concerning the circumstances surrounding the girl, and the reason why it would be advisable to provide such a home for her. If the county judge should believe that it would be to the advantage of such girl he may enter an order appointing such institution guardian of the person of such girl and shall direct that she be turned over to the officers of that institution for control until she shall have reached the age of twenty-one years, or shall have, with the consent of the authorities of such institution, become married. The expenses of sending such girl to the institution shall be paid by the county in which the proceedings may be instituted, but if she shall have an estate of her own, the county shall have a charge against such estate for the amount so expended. If the girl should have a parent or parents living in the county in which the proceedings is instituted, notice of the proceedings shall be given such parent or parents, and they shall have the right to contest same. If the girl already have a guardian of the person, such guardian may at the discretion of the court be superseded hereunder. Pending a determination of whether or not the institution shall be appointed guardian of the person, the court may make such order for the custody or safety of the girl as it may deem advisable.

Sec. 8. The directors of said institution shall have a right to receive temporarily or permanently girls not assigned to the institution by the courts, or for whom the institution may not have been appointed guardian, and may make such arrangement with the girl, or the State Humane Society, or any other institution of a similar kind, or any other person, for their maintenance and support. The directors of the institution shall exercise a discrimination as to when and under what circumstances and under what condition girls surrendered to their care shall be relieved of the care and control of the institution.

Sec. 9. The board of directors shall make proper provision for the maintenance

of schools within the institution, and children within the scholastic age therein shall receive their proper share of the State school fund. The institution shall be an independent school district. Provision shall be made for giving diplomas or certificates of proficiency for graduates from the nurses training school or any industrial school that may be established by the directors.

(2)

Amend the bill by striking out Section 10 and insert the following in lieu thereof:

Sec. 10. The fact that there are many dependent girls who are homeless, and who will be benefited by the provisions of this bill, creates an emergency and an imperative public necessity exists that the constitutional rule requiring that bills be read on three several days be suspended, and that this bill shall take effect from and after its passage, and it is so enacted.

(3)

Amend the bill by striking out all in the caption after the words "to be entitled," and insert the following: "An Act to provide for the creation of a school and home for dependent girls; to provide for a board of directors therefor and for the location of the same, and to provide for the admission of girls to the same, and giving to the courts of the State jurisdiction with reference thereto, and providing for the management and control of the institution, and declaring an emergency."

(4)

Amend the bill by striking out on page 1, in line 22, the words "five of whom shall" and insert before the word "be" in said line the words "who shall," and strike out all after the word "Governor," in line 22, page 1, down to the word "together," in line 23.

Senator Weinert offered the following amendment, which was read and adopted:

Amend page 1, line 32, by striking out the word "shall" and insert the word "may;" also insert the following words after the word "Governor:" "at his discretion."

Senator Townsend offered the following amendment, which was read and adopted:

Amend the bill on page 1, line 20, by adding the following after the word

"therefor:" "that the said board shall locate such institution at such point which may offer the largest donation therefor and which may be the most advantageous location, in the judgment of said board, as to location, desirability for such purposes and its accessibility to the population of the State."

The bill was read second time and was passed to a third reading.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Astin	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
McGregor.	

Absent.

Gibson.	Warren.
Paulus.	Willacy.
Vaughan.	

Absent—Excused.

Lattimore.

The bill was read third time and was passed by the following vote:

Yeas—24.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Greer.	Townsend.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McGregor.	Wiley.

Absent.

Darwin.	Vaughan.
Gibson.	Warren.
Paulus.	Willacy.

Absent—Excused.

Lattimore.

Senator Weinert moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House refuses to concur in Senate amendments to House bill No. 706, and requests the appointment of a Free Conference Committee. The following members have been appointed: Messrs. Owsley, Bartley, Diffie, Stevens of Liberty and Fields.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE BILL NO. 706—FREE CONFERENCE COMMITTEE ON.

Senator Carter made the following motion:

I move that we grant the request of the House and that the following be elected on the Free Conference Committee on the part of the Senate, on House bill No. 706: Senators Real, Warren, Terrell, Wiley and Greer.

The motion was read and adopted.

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Murray:

Resolved by the Senate, That the House have consent of the Senate to consider House bill No. 409, by Crisp, relating to farmers' mutual insurance companies, now in existence.

The resolution was read and Senator McGregor moved that the same be tabled, which motion prevailed by the following vote:

Yeas—17.

Astin.	Darwin.
Bailey.	Greer.
Carter.	Johnson.
Collins.	Kauffman.
Conner.	McGregor.
Cowell.	Morrow.

Real. Westbrock.  
Taylor. Wiley.  
Terrell.

Nays—6.

Hudspeth. Townsend.  
McNealus. Watson.  
Murray. Weinert.

Present—Not Voting.

Brelsford. Gibson.

Absent.

Nugent. Warren.  
Paulus. Willacy.  
Vaughan.

Absent—Excused.

Lattimore.

#### HOUSE BILL NO. 149—FREE CONFERENCE COMMITTEE REPORT ADOPTED.

Senator Morrow made the following motion:

I move the adoption of the report of the Free Conference Committee on House bill No. 149.

The above motion was read and adopted.

Senator Townsend moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

#### FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 246, A bill to be entitled "An Act to define, regulate and control fraternity beneficiary societies; defining lodge system and representative form of government; providing for the issuance of certificates and the investment and distribution of funds; limiting membership and beneficiaries in said societies; naming the duties and authority of the Commissioner of Insurance and Banking; fixing an annual license and way to cancel same; providing for the valuation of policies and how to ascertain the solvency of said societies; regulating foreign and certain domestic societies; providing that beneficiary associations

heretofore organized shall be subject to the provisions of this law; repealing Chapter 36, Acts of the First Called Session of the Thirty-first Legislature and Chapter 22, Acts of the Second Called Session of the Thirty-first Legislature, and Chapter 92, Acts of the Regular Session of the Thirty-second Legislature, and all other laws in conflict therewith, and declaring an emergency," with amendments.

Senate bill No. 297, A bill to be entitled "An Act making it a criminal offense, punishable by fine, for any person in this State, pursuing the business or occupation of a peddler, hawker or itinerant vender of goods, wares and merchandise, to wilfully refuse to leave the premises owned or leased by another, after being notified by the person, or agent of the person, owning or in possession of such premises, to leave such premises."

Senate bill No. 320, A bill to be entitled "An Act to reorganize the Fifth and Seventh Judicial Districts and to create the Seventy-third Judicial District, and fix the time of holding courts in said district conferred by general laws upon towns and villages incorporated for free school purposes only, empowering the said district to take over all school money belonging to and all free school properties situated within said district, imposing upon it the discharge of the obligations of said territory," etc.

Senate bill No. 432, A bill to be entitled "An Act to amend Chapter 68, of the Thirty-second Legislature, and to provide that sand taken for the raising of the grade on Galveston Island shall be exempted from the provision of Chapter 68, and providing an emergency."

Senate bill No. 154, A bill to be entitled "An Act to amend Article 696, Chapter 1, of Title 12, of the Revised Criminal Statutes of the State of Texas, as adopted by the Thirty-second Legislature."

Senate bill No. 232, A bill to be entitled "An Act authorizing the formation of corporations for the purpose of constructing, building, acquiring, owning, operating and maintaining toll roads in the State of Texas; prescribing the prerequisites to and manner of incorporation; prohibiting the constructing, building, operating, acquiring, owning or maintaining of toll roads by any corporation except one chartered under the laws of Texas; prescribing the form and contents of the articles of incorporation; requiring the submission of such articles to the Attorney General of Texas and the requisites of filing and recording of the articles; prescribing the

existence of such corporations, power of renewal and method of amendment; defining rights of such corporations as to construction of roads; defining rights of such corporations as to construction of roads, passing over State lands, railroads, street railroads, interurban lines, streams, water courses, streets, highways, plank roads, turnpikes and canals; requiring crossings over its right of way, and the construction of necessary sluices and culverts; prohibiting the obstruction of navigable streams of water; conferring upon such corporations the right of eminent domain; authorizing the promulgation of reasonable traffic rules and regulations, and fixing of reasonable rates, and prohibiting discriminations; declaring a misdemeanor the trespassing upon, obstructing or placing certain substances on toll roads, and fixing a penalty; repealing all laws or parts of laws in conflict with this act, and declaring an emergency."

Senate bill No. 338, A bill to be entitled "An Act to reorganize the Thirty-eighth, the Fifty-first and Sixty-third and Seventieth Judicial Districts of the State of Texas; and to create the Seventy-fifth Judicial District of the State of Texas; and to prescribe the time and fix the terms of holding the courts in each of said judicial districts; and to conform all writs and process from such courts to such changes, and to provide for the appointment and election of a district judge and district attorney in said Seventy-fifth Judicial District; and to make all process issued or served before this act takes effect, including recognizances and bonds, returnable to the terms of the courts in the several districts as herein fixed, to violate such process, and to validate the summoning of grand and petit jurors and juries, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 330, A bill to be entitled "An Act to amend Sections 1, 2, 3 and 6, of Chapter 77 of the General Laws of the Thirty-second Legislature, approved March 17, 1911, and entitled 'An Act to provide for the location, establishment and maintenance of two colonies for the treatment of persons suffering from tuberculosis, and to provide for the care and treatment of indigent consumptives, and making an appropriation therefor; defining a citizen as used in this act, and declaring an emergency,' and providing an emergency."

Senate bill No. 436, A bill to be entitled "An Act to authorize the El Paso and Southwestern Railroad Company of

Texas, to lease, purchase, acquire and operate the line of railroad, and to acquire and cancel the capital stock of the El Paso and Northwestern Railroad Company, and declaring an emergency."

Senate bill No. 462, A bill to be entitled "An Act to amend Sections 4 and 5 of Article 4, of Chapter 33, Laws of the Thirtieth Legislature entitled 'An Act granting to Denison, Grayson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict herewith,' so as to provide for the issuance of bonds not to run for a period longer than forty years and not to exceed 10 per cent of the assessed value of all taxable property, real, personal and mixed, in the city of Denison, Texas, and declaring an emergency."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE BILL NO. 52—FREE CONFERENCE COMMITTEE REPORT ON.

Committee Room,

Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, selected and appointed upon House bill No. 52, having had the same under consideration, beg leave to report that we have agreed upon a bill, and herewith report same, with the recommendation that it do pass, same being as follows, to-wit:

House bill No. 52, A bill to be entitled "An Act to amend Article 1422, Title XVII, Chapter 18, Penal Code, Revision of 1911, relating to offense of swindling, so as to prohibit the obtaining of money or other thing of value with intent to defraud by the giving of any check, draft or order upon any bank, person, firm or corporation with which the person giving or drawing such check, draft or order has not sufficient funds to pay same and no good reason to believe same will be paid, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1422, Title XVII, Chapter 18 of the Penal Code, Revision of 1911, be so amended as to hereafter read as follows:

Article 1422. Certain Wrongful Acts Included.—Within the meaning of the term "swindling" are included the following wrongful acts:

1. The exchange of property upon the false pretense that the party is the owner or has the right to dispose of the property given in exchange.

2. The purchase of property upon the faith and credit of some other person upon the false pretense that such other has given the accused the right to use his name in making the acquisition.

3. The obtaining by false pretense the possession of any instrument of writing, certificate, field notes or other paper relating to lands, the property of another, with the intent that thereby the proper owner shall be defeated of a valuable right in such lands.

4. The obtaining by any person of any money or other thing of value with intent to defraud by the giving or drawing of any check, draft or order upon any bank, person, firm or corporation, with which or with whom such person giving or drawing said check, draft or order has not at the time of the giving or drawing of such check, draft or order, or at the time when, in the ordinary course of business, such check, draft or order would be presented to the drawee for payment, sufficient funds to pay same, and no good reason to believe that such check, draft or order will be paid.

5. The special enumeration of cases of swindling above set forth shall not be understood to exclude any case which by fair construction of the language, comes within the meaning of the preceding article.

Sec. 2. The fact that there is no law now protecting the merchants and banks of this State from being swindled by the giving of checks where there are no funds to pay same, creates an emergency and an imperative public necessity, which demands that the constitutional rule requiring all bills to be read on three several days be suspended, and the same is hereby suspended, and this act shall take effect from an after its passage.

Respectfully submitted,

CARTER,  
MORROW,  
WARREN,  
MURRAY,  
WILEY,

On the part of the Senate.

RITCHIE,  
BRUCE,  
MENDELL,  
ROWELL,  
JORDAN,

On the part of the House.

The report was read and adopted by the following vote:

Yeas—24.

Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Murray.
Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McGregor.	Wiley.

Present—Not Voting.

Astin.	Hudspeth.
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Absent.

Paulus.	Warren.
Vaughan.	Willacy.

Absent—Excused.

Lattimore.

Senator Wiley moved to reconsider the vote by which the report was adopted and lay that motion on the table.

The motion to table prevailed.

#### BILLS RECALLED FROM THE HOUSE.

Senator Johnson made the following motion:

I move that the House be requested to return the following bills to the Senate for correction: House bill No. 827 by Templeton; House bill No. 521 by Gentry; House bill No. 386 by Householder.  
JOHNSON,  
REAL.

The motion was read and adopted.

#### SENATE JOINT RESOLUTION NO. 26.

(By Unanimous Consent.)

The Chair laid before the Senate, on third reading,

Senate Joint Resolution No. 26, Proposing an amendment to Section 24, of Article 3, of the Constitution of the State of Texas, relating to compensation for members of the Legislature.

The resolution was read third time and passed by the following vote:

## Yeas—26.

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Murray.
Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.

## Absent.

Paulus.	Warren.
Vaughan.	Willacy.

## Absent—Excused.

Lattimore.

Senator Nugent moved to reconsider the vote by which the resolution was passed and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 30—MOTION  
WITHDRAWN.

Senator Collins here withdrew his motion to concur in the House amendments to Senate bill No. 30. (See former proceedings for motion.)

## SENATE BILL NO. 491.

(By Unanimous Consent.)

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended and Senate bill No. 491 was put on its second reading by the following vote:

## Yeas—27.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Watson.
Greer.	Weinert.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Kauffman.	Willacy.
McGregor.	

## Absent.

Paulus.	Warren.
Vaughan.	

## Absent—Excused.

Lattimore.

The Chair laid before the Senate, on second reading,

Senate bill No. 491, A bill to be entitled "An Act to create a more efficient road law for Fayette county, and declaring an emergency."

On motion of Senator Terrell, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and ordered engrossed.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—29.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
McGregor.	Willacy.
McNealus.	

## Absent.

Paulus.

## Absent—Excused.

Lattimore.

The bill was read third time and passed by the following vote:

## Yeas—28.

Astin.	Conner.
Bailey.	Cowell.
Brelsford.	Darwin.
Carter.	Gibson.
Collins.	Greer.

Hudspeth.	Taylor.
Johnson.	Terrell.
Kauffman.	Townsend.
McGregor.	Warren.
McNealus.	Watson.
Morrow.	Weinert.
Murray.	Westbrook.
Nugent.	Wiley.
Real.	Willacy.

Absent.

Paulus.	Vaughan.
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Absent—Excused.

Lattimore.

Senator Terrell moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 546.

The Chair laid before the Senate, on third reading and regular order,

House bill No. 546, A bill to be entitled "An Act to reorganize the Thirty-fifth and Fifty-second Judicial Districts of the State of Texas; to name the counties composing said judicial districts, respectively; to fix the time of holding court in the counties of said districts; to provide for the extension and return of process issued out of said courts, and legalizing the same; and providing that grand and petit jurors drawn in any of the courts of said districts shall be considered lawfully drawn and selected for the next term of court under this act, and that bonds and recognizances taken shall bind the parties therein obligated to appear at the next term of court held under this act, and to repeal Section 3, Chapter 17, Acts of the Regular Session of the Twenty-eighth Legislature and so much of Chapter 3, Acts of Second Called Session of Thirty-first Legislature as conflicts herewith, and to repeal all laws and parts of laws in conflict with this act."

The bill was read second time and passed.

Senator Conner moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 502.

The Chair laid before the Senate, on third reading and regular order,

House bill No. 502, A bill to be entitled "An Act to amend Article 7160, Chapter 2, Title 124, of the Revised Civil Statutes of Texas, which article provides that an unrecorded brand on animals shall not be evidence of ownership thereof, and to limit this rule of evidence to civil cases."

The bill was read third time and passed.

#### HOUSE BILL NO. 228.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 228, A bill to be entitled "An Act to amend Chapter 83 of the General Laws of the Thirty-second Legislature, the same being 'An Act to amend an act entitled "An Act to amend Section 2, of Chapter 42, of the General Laws of the Thirtieth Legislature, relating to exemptions as affecting employees and ex-employees of common carriers, express, railway, telegraph, news and other companies, persons and corporations performing service for or in connection with the operation of the railways, the State Railroad Commissioners, peace officers and representatives of industrial fairs and farmers' congresses and institutes and farmers' unions, deputy sheriffs, United States marshals and not more than two deputies of each such marshal, chiefs of police and city marshals, eleemosynary and religious societies, volunteer firemen and Confederate veterans, the State Game, Fish and Oyster Commissioner and his two chief deputies, State and county health officers, government representatives accompanying fish for free distribution in the streams of this State, the Dairy and Food Commissioner and his two deputies; and providing for right of contract between railway companies and editors, proprietors or publishers of newspapers and magazines, persons who have been instrumental in securing the passage by the United States Congress of statutes providing for the equipment of railroad trains with safety appliances; constables, members of the State militia in uniform when called into service, by excepting from the provisions of the law the actual bona fide agents, not exceeding five on any one line, of any accident, casualty or health insurance company, doing business under the laws of this State that have, or that may hereafter make franchise contracts with any railway company or receiver thereof, to insure their em-

ployes, so long as such franchise contract may be in force."'"

(Senator Townsend in the chair.)

Senator McNealus moved that the bill lie on the table subject to call.

The motion prevailed.

#### HOUSE BILL NO. 2.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 2. A bill to be entitled "An Act to amend Section 129, Acts of the Twenty-ninth Legislature of Texas, relating to the scholastic age, and to amend Section 89, Chapter 124, of the Acts of the Twenty-ninth Legislature, relating to the scholastic census, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Murray offered the following amendment:

Amend the bill by striking out the word "shall" in the fifth line of Section 1, and insert in lieu thereof the word "may."

On motion of Senator Watson, the bill was laid on the table subject to call.

#### SIXTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 443. A bill to be entitled "An Act to amend Section 16 of Chapter 21 of the Local and Special Laws of the Thirty-first Legislature, Regular Session, approved March 8, 1909, entitled 'An Act to repeal Chapter 31 of the Local and Special Laws of the Thirtieth Legislature of Texas, creating a special road system for Williamson county, Texas,' and declaring an emergency."

Senate bill No. 474. A bill to be entitled "An Act to authorize Nueces county to build, construct, own, lease and maintain a causeway, or combination roadway and bridge, from the mainland on the south shore of Nueces or Corpus Christi bays to the northern shore of said bays, or either of them, to connect the roadways of Nueces county with the roadways of San Patricio county, and for the said Nueces county to issue

bonds of said county for same, and to levy and collect a special tax of 15 cents authorized by Article 8, Section 9, of the Constitution, on the \$100 valuation proceedings, and for the right of way; authorizing said Nueces county to lease right of easement of user of a portion of said road and bridge on terms to be prescribed by the commissioners court of said county; authorizing, by vote, the levy of a tax and the issuance by said county of coupon bonds for the purpose of constructing, maintaining or operating macadamized, graveled or paved roads; adopting certain provisions of the general law, and declaring an emergency."

Senate bill No. 363. A bill to be entitled "An Act to amend Section 3, Chapter 45, Acts of the Regular Session of the Thirty-second Legislature, so as to provide that no railroad company, terminal railroad company, suburban railroad company, or interurban railroad company, shall ever be permitted to build its main line nearer the shore line or water line of Aransas Harbor than four thousand feet, except at the point where it may enter upon Harbor Island, and where it may enter upon the harbor, or at the point where it turns in to connect with terminal tracks, docks, wharves, shipyards, coal chutes and appurtenances connecting with the harbor."

Senate bill No. 477. A bill to be entitled "An Act to validate the incorporation of the town of Giddings, incorporated for free school purposes only, in Lee county, heretofore, on, to wit, the 23d of March, 1893, declared to have been incorporated for free school purposes only; more clearly defining its boundaries; to validate the proceedings had by the board of trustees and other officers of said district under said incorporation of 1893 under the general laws governing the incorporation of independent school districts, and especially all proceedings of date September 6, 1912, and all dates subsequent thereto, in the matter of ordering an election upon the issuance of twenty thousand dollars' worth of bonds of said district for school building purposes, issuing notice thereof, declaring the result of the election, and authorizing the issuance of said bonds, and the levying of the tax therefor; investing the board of trustees with all powers conferred upon such districts by the general law, and declaring an emergency."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

## HOUSE BILL NO. 766.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 766, A bill to be entitled "An Act to incorporate the McGregor Independent School District in McLennan county for free school purposes only; describing its boundaries; divesting the city of McGregor of the control of its public schools and title to school property, and vesting the same in the said McGregor Independent School District and its board of school trustees; providing for a board of school trustees for the control and management of the said independent school district; prescribing the rights, powers, privileges and duties of the said McGregor Independent School District and its board of school trustees; providing for a treasurer of school funds of the district, and declaring an emergency."

On motion of Senator Terrell, the bill was postponed indefinitely.

## HOUSE BILL NO. 65.

The Chair laid before the Senate, on second reading and regular order,

House bill No. 65, A bill to be entitled "An Act to provide for the establishment, maintenance and government of a State Normal School to be located in the city of Waco, in McLennan county, or within one-half mile of the corporation limits of said city, and to be known and designated as the Central Texas Normal School."

Senator Watson moved that the bill lay on the table subject to call.

Senator Terrell moved to table the motion, which motion to table was adopted.

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Astin.	Hudspeth.
Bailey.	Johnson.
Brelsford.	Kauffman.
Carter.	McNealus.
Collins.	Morrow.
Conner.	Nugent.
Cowell.	Real.
Greer.	Taylor.

Terrell.  
Townsend.  
Warren.

Weinert.  
Westbrook.  
Wiley.

Nays—2.

Darwin.

Watson.

Absent.

Gibson.  
McGregor.  
Murray.

Paulus.  
Vaughan.  
Willacy.

Absent—Excused.

Lattimore.

The bill was read third time and was passed by the following vote:

Yeas—19.

Astin.  
Bailey.  
Brelsford.  
Carter.  
Collins.  
Conner.  
Cowell.  
Greer.  
Hudspeth.  
Johnson.

Kauffman.  
McNealus.  
Morrow.  
Nugent.  
Real.  
Terrell.  
Weinert.  
Wiley.  
Willacy.

Nays—5.

Darwin.  
Taylor.  
Townsend.

Watson.  
Westbrook.

Present—Not Voting.

Warren.

Absent.

Gibson.  
McGregor.  
Murray.

Paulus.  
Vaughan.

Absent—Excused.

Lattimore.

Senator Terrell moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.  
(Senator Warren in the chair.)

## HOUSE BILL NO. 382.

The Chair laid before the Senate, on second reading and regular order.

House bill No. 382, A bill to be entitled "An Act to create in the Department of Agriculture a division known as the marketing bureau, providing for the appointment of an officer in charge of same, to be designated the chief of the marketing bureau of the Texas Depart-

ment of Agriculture, and specifying his compensation, defining his duties, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Nugent, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Astin.	Nugent.
Bailey.	Real.
Brelsford.	Taylor.
Carter.	Terrell.
Collins.	Townsend.
Conner.	Vaughan.
Cowell.	Warren.
Darwin.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McNealus.	Wiley.
Morrow.	

Nays—1.

Greer.

Absent.

Gibson.	Murray.
Hudspeth.	Paulus.
McGregor.	Willacy.

Absent—Excused.

Lattimore.

The bill was read third time and was passed by the following vote:

Yeas—23.

Astin.	Nugent.
Bailey.	Real.
Brelsford.	Taylor.
Carter.	Terrell.
Collins.	Townsend.
Conner.	Vaughan.
Cowell.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
McNealus.	Westbrook.
Morrow.	Wiley.
Murray.	

Nays—1.

Greer.

Present—Not Voting.

Darwin.

Absent.

Gibson.	Paulus.
Hudspeth.	Willacy.
McGregor.	

Absent—Excused.

Lattimore.

Senator Nugent moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 443.

On motion of Senator Collins, the regular order of business, House bill No. 113, was suspended, and the Senate took up, out of its order, House bill No. 443, by the following vote:

Yeas—25.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Greer.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
McGregor.	Wiley.
McNealus.	

Absent.

Gibson.	Weinert.
Hudspeth.	Willacy.
Paulus.	

Absent—Excused.

Lattimore.

The Chair laid before the Senate, on second reading,

House bill No. 443, A bill to be entitled "An Act to amend Articles 3827, 3828 and 3830 of Title 57, Chapter 1, of the Revised Civil Statutes of the State of Texas of 1911; prescribing the nature and kind of bond that is required of commission merchants; providing where suit may be brought upon bonds; providing further that said commission merchant will promptly receive and sell such produce, goods, wares or merchandise, and class the same; providing that such commission merchant send to the consignor a full and complete account of sales of produce, goods, wares or merchandise received from the consignor; providing that said commission merchant shall, within five days after said produce, goods, wares or merchandise are sold, send to the consignor the full amount received for the same, less the commission due said commission merchant; and providing for a penalty; and by adding to said title and chapter Article 3833, which prescribes the duties of all persons shipping produce, goods,

wares or merchandise on consignment to a commission merchant on commission, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Nugent, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Kauffman.	

## Absent.

Morrow.	Weinert.
Paulus.	Willacy.
Vaughan.	

## Absent—Excused.

Lattimore.

The bill was read third time and passed by the following vote:

## Yeas—24.

Astin.	McNealus.
Bailey.	Murray.
Brelsford.	Nugent.
Collins.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
McGregor.	Wiley.

## Absent.

Carter.	Paulus.
Conner.	Weinert.
Morrow.	Willacy.

## Absent—Excused.

Lattimore.

Senator Nugent moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

(Lieutenant Governor Mayes in the chair.)

## HOUSE BILL NO. 199.

On motion of Senator Kauffman the pending order of business, House bill No. 113, was suspended, and the Senate took up out of its order House bill No. 199 by the following vote:

## Yeas—24.

Astin.	McNealus.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Westbrook.
McGregor.	Wiley.

## Absent.

Bailey.	Paulus.
Conner.	Weinert.
Morrow.	Willacy.

## Absent—Excused.

Lattimore.

The Chair laid before the Senate, on second reading,

House bill No. 199, A bill to be entitled "An Act relating to the filing and recording of instruments of writing, heretofore and hereafter recorded, and the effect thereof, and validating defective certificates of acknowledgment."

Senator Vaughan offered the following amendment:

Amend the bill by adding at the close of the last section the following: "Provided this act shall not validate any past transaction, nor make valid any acknowledgment or any title which would be defective but for this act."

The bill was laid on the table subject to call.

## RECESS.

Senator Gibson, at 6:10 o'clock, moved that the Senate recess until 10 o'clock tomorrow.

Senator Wiley moved, as a substitute, that the Senate recess until 8 o'clock tonight.

Action recurred on the longest time

first and the motion to recess until 10 o'clock tomorrow was lost by the following vote:

## Yeas—8.

Gibson.	Real.
Greer.	Watson.
Kauffman.	Westbrook.
Murray.	Willacy.

## Nays—18.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Nugent.
Carter.	Taylor.
Collins.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Johnson.	Warren.
McGregor.	Wiley.

## Absent.

Conner.	Paulus.
Hudspeth.	Weinert.

## Absent—Excused.

Lattimore.

The motion to recess until 8:30 o'clock tonight was then adopted.

## AFTER RECESS.

(Night Session.)

The Senate was called to order by Lieutenant Governor Mayes.

## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Morrow:

Resolved, That the Senate consider only privileged matters and House bills and Senate bills on third reading and Senate joint resolutions.

Senator Astin offered the following substitute for the resolution:

I move that the Senate take up House bills on Friday morning, the 28th instant, and continue with them until all House bills are disposed of.

Senator Watson made the point of order that the substitute was not germane to the resolution as a substitute, which point of order the Chair sustained.

Senator Hudspeth moved to table the resolution, which motion was adopted by the following vote:

## Yeas—16.

Astin.	Hudspeth.
Bailey.	Johnson.
Brelsford.	McNealus.
Carter.	Murray.
Collins.	Nugent.
Cowell.	Real.
Darwin.	Taylor.
Greer.	Vaughan.

## Nays—10.

Conner.	Watson.
Kauffman.	Weinert.
Morrow.	Westbrook.
Townsend.	Wiley.
Warren.	Willacy.

## Absent.

Gibson.	Paulus.
McGregor.	Terrell.

## Absent—Excused.

Lattimore.

## SEVENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on House bill No. 52.

The House also passed the following bills:

House bill No. 892, A bill to be entitled "An Act to create a road commission for Baylor county by making the members of the commissioners court ex-officio members of said commission, and defining duties, powers, salaries and qualifications of the same, and declaring an emergency."

House bill No. 893, A bill to be entitled "An Act to make it unlawful for any one to hunt by trapping or by means of ensnaring any raccoon, fox or other fur-bearing animal within the bounds of Wood county, Texas, and prescribing penalties for violations thereof."

House bill No. 898, A bill to be entitled "An Act to amend an act of the Twenty-eighth Legislature of the State of Texas, entitled 'An Act to incorporate the city of Corsicana, in Navarro county, Texas, and to fix the boundaries thereof, and to provide for its government, and the management of its affairs,' by amending Sections 66, 67, 68, 69, 70, 71 and 183 thereof, and repealing all parts of said act in conflict herewith, so as to authorize said city of Corsicana to con-

struct permanent improvements of streets, highways, alleys, public places or square, or any part thereof, and assess part of the cost thereof against the owners of property abutting upon such improvements and their property, and to fix a lien thereon, and to assess a part of the cost of said improvement against the owners of railroads or street railroads occupying streets, alleys or highways improved and their property, and to provide for fixing a lien thereon, and to provide for the enforcement and collection of such assessments, and declaring an emergency."

The House grants request of Senate and returns House bills Nos. 386, 521 and 827 for correction.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE BILLS ON FIRST READING

The Chair, Lieutenant Governor Mayes, referred, after their captions had been read, the following House bills:

House bill No. 898, referred to Committee on Towns and City Corporations.

House bill No. 893, referred to Judiciary Committee No. 2.

House bill No. 892, referred to Committee on Roads, Bridges and Ferries.

#### SENATE BILL NO. 69.

(By Senator Astin.)

The Chair laid before the Senate, on third reading,

Senate bill No. 69, A bill to be entitled "An Act to amend Article 5243, Chapter 1, Title 77, Revised Civil Statutes of the State of Texas of 1911, relating to Bureau of Labor Statistics."

(Senator Townsend in the chair.)

Senator Astin moved to rescind the vote by which the bill was ordered engrossed.

The motion prevailed.

Senator Astin offered the following amendment, which was read and adopted.

Amend the bill as follows: Strike out "five thousand" before the word "dollars" and in lieu thereof insert the words: "six thousand."

Pending discussion, Senator Hudspeth moved the previous question, which motion being duly seconded, was so ordered.

The amendment was adopted.

The bill was read second time and ordered engrossed.

Senator Hudspeth moved to reconsider the vote by which the bill was ordered engrossed, which motion prevailed.

Senator Hudspeth offered the following amendments, separately, which were read and adopted.

(1)

Amend the bill by adding:

"Sec. 2. The fact that the best interests of the State require the services of an additional factory inspector creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and it is hereby suspended and this bill take effect from and after its passage and it is so enacted."

(2)

Amend the bill by adding after the word "statistics," "and declaring an emergency."

The bill was read second time and was ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
McNealus.	Willacy.

Absent.

McGregor. Paulus.

Absent—Excused.

Lattimore.

The bill was read third time and was passed by the following vote:

Yeas—28.

Astin.	Collins.
Bailey.	Conner.
Brelsford.	Cowell.
Carter.	Darwin.

Gibson.	Taylor.
Greer.	Terrell.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Warren.
McNealus.	Watson.
Morrow.	Weinert.
Murray.	Westbrook.
Nugent.	Wiley.
Real.	Willacy.

Absent.

McGregor.	Paulus.
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Absent—Excused.

Lattimore.

Senator Astin moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 424—FREE CONFERENCE REPORT—ADOPTION OF.

Committee Room,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed by your respective bodies to consider Senate bill No. 424 and amendments thereto, have had the same under consideration, and beg to report the following agreement:

Senate bill No. 424, A bill to be entitled "An Act to reorganize the Fourteenth Judicial District of the State of Texas, and to amend Section 14, Article 30, Title 5, of the Revised Civil Statutes of the State of Texas, adopted in the year 1911; and to reorganize the Fortieth Judicial District of the State of Texas, and to amend Section 40, Article 30, Title 5, of the Revised Civil Statutes of the State of Texas, adopted in the year 1911; and to provide that Rockwall county shall be taken from the Fortieth Judicial District of the State of Texas and transferred to the Fourteenth Judicial District of the State of Texas; and to prescribe that said Fourteenth Judicial District and the judge thereof shall have both criminal and civil jurisdiction in the county of Rockwall, and to prescribe and fix the time of holding terms of court in the county of Rockwall and in the county of Dallas, and in the county of Kaufman, and in the county of Ellis; and to make all process issued or served before this act takes effect,

including recognizances and bonds, returnable to the terms of court in the several counties and districts as herein fixed; to validate such process, recognizances and bonds; and to validate the summoning of grand and petit jurors; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 14 of Article 30, Title 5, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature, 1911, be, and the same is hereby amended so as to hereafter read as follows:

Sec. 14. Dallas county shall constitute the Forty-fourth Judicial District; and the Sixty-eighth Judicial District; and Dallas county and Rockwall county shall constitute the Fourteenth Judicial District. The said district courts herein named shall not have nor exercise any criminal jurisdiction in Dallas county, such criminal jurisdiction having been by law exclusively vested in the criminal district courts for said county. But all of said three courts shall have and exercise concurrent jurisdiction co-extensive with the limits of Dallas county in all civil cases, proceedings and matters of which district courts are given jurisdiction by the Constitution and laws of the State. The said Fourteenth Judicial District court shall have jurisdiction in Rockwall county, Texas, in all civil and criminal cases which, under the Constitution and laws of this State, are cognizable by district courts, and in which the jurisdiction is in Rockwall county, Texas; and all appeals in criminal cases shall be to the Court of Criminal Appeals of the State of Texas under the same regulations as are now or may hereafter be provided by the laws for appeals in criminal cases in the district court; and all appeals in civil cases in said court shall be to the Court of Civil Appeals and Supreme Court under the regulations as they are now or may hereafter be provided for by law for such appeals. The district court of the Fourteenth Judicial District shall hold four terms each year in the county of Dallas, and two terms each year in the county of Rockwall, said terms in the county of Rockwall beginning on the second Monday in March and continuing in session for four weeks, and beginning on the first Monday in September and continuing in session for four weeks; said terms in

Dallas county shall be as follows: Beginning on the first Monday in January and ending on Saturday before the second Monday in March, and beginning the fifth Monday after the second Monday in March and ending on Saturday before the first Monday in July; beginning on the first Monday in July and ending on the Saturday before the first Monday in September, beginning on the fifth Monday after the first Monday in September and ending on the Saturday before the first Monday in January. A grand jury shall be impaneled in said court for each of said terms in Rockwall county unless otherwise directed by the judge of said court or by order entered on the minutes of said court, and commissioners shall be appointed for drawing jurors for said court as is now or may hereafter be required by law in district courts and under like rules and regulations.

The judges of the Fourteenth, Forty-fourth and Sixty-eighth Judicial Districts shall be elected as provided by the Constitution and laws of the State for election of district judges; and the judge of said Fourteenth Judicial District shall be a resident of said district, and shall possess the qualifications required of the district judge by the Constitution of this State, and shall be elected by the qualified voters of said district for a term of four years and shall hold his office until his successor shall have been elected and qualified, and shall receive the same salary that is now provided or that may hereafter be provided to be paid to district judges and in like manner.

The sheriff, county attorney, clerk of the district court of Dallas county, and also the sheriff, county attorney and the clerk of the district court of Rockwall county, as heretofore provided by law, shall be the officers respectively of said courts under the same rules and regulations as are now or may hereafter be prescribed by law for the government of such officers, and shall respectively receive such fees as are now or may hereafter be provided by law for such officers in this State; and all of said officers as heretofore existing shall be and remain the officials of their respective counties of the district courts having jurisdiction in said counties respectively, as herein prescribed, and shall hold office until their successor or successors are elected and qualified; provided, however, in case of vacancy by death, resignation or removal in the district clerk's office in Dallas county his successor shall be appointed by a majority of the judges of said three district courts and the

judges of the criminal district courts acting together; and in case they fail to make an appointment within twenty days after such vacancy is created then such appointment shall be made by the commissioners court of Dallas county. The clerk shall place upon the docket and the court papers opposite the number of each case on the docket of the district court of the Fourteenth Judicial District, the letter A; and shall place upon the docket and the court papers, opposite the number of each case on the docket of the Forty-fourth Judicial District court, the letter B; and shall place upon the docket and the court papers, opposite the number of each case on the docket of the Sixty-eighth District Court, the letter C. And this requirement shall be observed as to all cases filed in either of said courts, so that the letter A opposite the file number shall indicate that the case pends in the Fourteenth Judicial District Court, the letter B opposite the file number shall indicate that the case pends in the Forty-fourth Judicial District Court, and the letter C opposite the file number shall indicate that the case pends in the Sixty-eighth Judicial District Court. All cases, prosecutions and proceedings filed with said clerk shall by him be entered upon the dockets of said courts alternately, beginning with the Fourteenth District Court, next the Forty-fourth District Court and third the Sixty-eighth District Court, and so continuing in this order, that the business may be equally distributed among said courts, and numbering said cases consecutively, beginning with the last file number on said dockets. Either of said judges may, at his discretion, transfer any case or cases pending in his court to either of the other courts herein provided for, by order or orders entered upon the minutes of his court, and where such transfer is made the clerk shall enter such case or cases upon the docket of the court to which the transfer is made. And in such case, unless the parties are present in court and take notice of such transfer, reasonable notice of such order or orders shall be given to the parties or their attorneys of record; provided, that, in cases wherein ancillary writs be granted by either of the judges the transfer may be made to the court of the judge granting such writ without such notice. The judges of said courts may exchange with any district judge as provided by law, and in case of disqualification or absence of any of said judges a special judge may be selected, elected

or appointed as provided by law in the cases of district judges. Said courts shall have seals of like designs as other district courts of this State, which seal or seals shall be used for all purposes for which seals of district courts are required to be used, and certified copies of the orders, proceedings, judgments and other official acts of said courts under the hand and seal of the clerks, respectively, thereof, and by the seal of the said court, shall be admissible in evidence in all courts of this State in like manner as similar certified copies from other district courts of record are now or hereafter may be admissible.

Sec. 2. That Section 40, of Article 30, Title 5, Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature, 1911, be, and the same is, hereby amended so that it shall hereafter read as follows:

40. The Fortieth Judicial District shall be composed of the counties of Ellis and Kaufman and the terms of the district courts therein shall be held as follows: One in Kaufman county, beginning on the first Monday in September in each year and continuing until Saturday before the first Monday in November. One in said county, beginning the first Monday in March and continuing until Saturday before the first Monday in May. One in Ellis county, beginning on the first Monday in November and continuing in session until Saturday before the first Monday in January; one in Ellis county, beginning on the first Monday in January and running until Saturday before the first Monday in March; one beginning in Ellis county on the first Monday in May and continuing until Saturday before the first Monday in September unless the business can sooner be disposed of.

Sec. 3. The district judge in the Fourteenth Judicial District as now constituted shall continue in office until the expiration of the term for which he was elected, and the district judge of the Fortieth Judicial District shall continue in office for the term for which he was elected. All process issued in the Fortieth Judicial District and returnable to its terms as heretofore established in Rockwall county, and all recognizances and bonds returnable to said court shall be valid and returnable to the Fourteenth Judicial District Court sitting in Rockwall county, and all such processes are hereby legalized and all subpoenas

made returnable to said court shall be treated and considered as returnable to the terms of said courts, respectively, as herein provided, and all grand and petit jurors drawn and selected under existing laws shall be considered lawfully drawn and selected in said counties and districts respectively for the next term of the court in said respective districts and counties after this act takes effect and such process is legalized and validated, and all process, recognizances and bonds heretofore issued or which may hereafter be issued before this act takes effect returnable to the district court in Ellis county and Kaufman county shall be valid and considered returnable to the next term of court sitting after this act takes effect, and the succeeding term as provided by law, and this act shall not affect the term of any court in session at the time it goes into effect, and said court or courts so in session shall continue until the expiration of the term under existing laws, and thereafter the terms of said court shall conform to the provisions of this act.

Sec. 4. All laws and parts of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

Sec. 5. Whereas, owing to the growth of business and increase of population of the counties of Ellis and Kaufman and the increase of litigation therein and the crowded condition of the dockets therein, there exists a necessity for increasing the time in which district courts may be held in said counties, and creates an imperative public necessity whereby an emergency exists requiring the suspension of the constitutional rule requiring that bills be read on three several days; therefore, said constitutional rule is hereby suspended and this act shall take effect and be in force from and after its passage, and it is so enacted.

McNEALUS,  
DARWIN,  
MORROW,  
GREER,  
WARREN,

On the Part of the Senate.

LEWELLING,  
McKAMY,  
PARKS,

On the Part of the House.

On motion of Senator McNealus, the report was adopted by the following vote:

Yeas—28.

Astin.

Bailey.

Brelsford.	Murray.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McNealus.	Wiley.
Morrow.	Willacy.

Absent.

McGregor.	Paulus.
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Absent—Excused.

Lattimore.

Senator McNealus moved to reconsider the vote by which the report was adopted and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 129—REFUSED TO TAKE UP.

Senator Vaughan moved that the pending order of business, House bill No. 683, be suspended, and the Senate take up, out of its order, House bill No. 129.

The motion was lost by the following vote, a two-thirds vote being necessary:

Yeas—14.

Astin.	McNealus.
Collins.	Murray.
Cowell.	Real.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Weinert.
Johnson.	Wiley.

Nays—10.

Bailey.	Taylor.
Conner.	Terrell.
Hudspeth.	Watson.
Kauffman.	Westbrook.
Nugent.	Willacy.

Present—Not Voting.

Brelsford.	Morrow.
Carter.	

Absent.

McGregor.	Warren.
Paulus.	

Absent—Excused.

Lattimore.

#### HOUSE BILL NO. 683.

(By Senator Bailey.)

The Chair laid before the Senate, on second reading,

House bill No. 683, A bill to be entitled "An Act prescribing and fixing the number of hours that shall constitute a legal day's work on all work being performed by or on behalf of the State of Texas, or by or on behalf of any county, municipality or other legal or political subdivision of said State; providing for cases of emergency; prescribing penalties for its violation, and expressly repealing an act passed at the Regular Session of the Thirty-second Legislature, known as House bill No. 98, and being the same act that was attempted to be vetoed by the Governor, but which veto was held ineffective by the Supreme Court because the veto message was filed with the Secretary of State after the expiration of twenty days as held by the Supreme Court in the case of R. B. Minor et al. vs. C. C. McDonald, Secretary of State; and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Willacy.
McNealus.	

Nay—1.

Wiley.

Absent.

McGregor.	Paulus.
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Absent—Excused.

Lattimore.

The bill was read third time and was passed by the following vote:

## Yeas—27.

Astin.	McMorrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Willacy.
McNealus.	

## Nay—1.

Wiley.

## Absent.

McGregor. Paulus.

## Absent—Excused.

Lattimore.

Senator Bailey moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## REASON FOR VOTE.

I vote "nay" for the reason this bill places an extra burden upon counties and municipalities, and seems to be based upon the plea of promoting the general condition of labor, and at the same time contains a provision "that nothing in this act shall be construed to affect the present law governing State and county convict labor while serving their sentences as such." If it is a crime for free labor to be worked longer than eight hours per day, and the penalty "a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment, and each and every day of such violation shall constitute a separate offense," is a reasonable punishment for such offense, then I submit that it should also apply to convict labor and that the penalty should be greater for the reason that convict labor has no option as to hours, conditions or place of labor.

WILEY.

## EIGHTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has adopted the following resolution:

House Concurrent Resolution No. 25, relating to transportation of Confederate Veterans to the reunion at Gettysburg.

The House adopts the Free Conference report on Senate bill No. 424, by the following vote: yeas, 116; nays, 0.

The House concurs in Senate amendments to House bill No. 570 by the following vote: yeas, 111; nays, 0.

The House concurs in Senate amendments to House bill No. 143.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

## HOUSE CONCURRENT RESOLUTION NO. 25.

The Chair laid before the Senate, House Concurrent Resolution No. 25, relating to transportation of Confederate Veterans to the reunion at Gettysburg.

The resolution was read and adopted.

## RESIGNATION FROM FREE CONFERENCE COMMITTEE.

Senator Real, member of the Free Conference Committee on House bill No. 706, tendered to the Senate his resignation as a member of the committee, and Senator Carter made the following motion:

I move that the Senator from El Paso be elected on Free Conference Committee on House bill No. 706 in place of Senator Real, resigned.

The motion was read and adopted.

## SENATE BILL NO. 489.

(By Senator Brelsford.)

On motion of Senator Brelsford, the constitutional rule requiring bills to be read on three several days was suspended and Senate bill No. 489 was put on its second reading by the following vote:

## Yeas—28.

Astin.	Gibson.
Bailey.	Greer.
Brelsford.	Hudspeth.
Carter.	Johnson.
Collins.	Kauffman.
Conner.	McNealus.
Cowell.	Morrow.
Darwin.	Murray.

Nugent.	Warren.
Real.	Watson.
Taylor.	Weinert.
Terrell.	Westbrook.
Townsend.	Wiley.
Vaughan.	Willacy.

Absent.

McGregor.	Paulus.
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Absent—Excused.

Lattimore.

The Chair laid before the Senate, on second reading,

Senate bill No. 489 (see Bills and Resolutions of today for caption).

On motion of Senator Brelsford, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Brelsford, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent.

Paulus.

Absent—Excused.

Lattimore.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Carter.
Bailey.	Collins.
Brelsford.	Conner.

87—S

Cowell.	Real.
Darwin.	Taylor.
Gibson.	Terrell.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
McNealus.	Weinert.
Morrow.	Westbrook.
Murray.	Wiley.
Nugent.	Willacy.

Absent.

McGregor.	Paulus.
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Absent—Excused.

Lattimore.

Senator Brelsford moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator McNealus:

Resolved, That the Secretary of the Senate be instructed to send a properly attested copy of House Concurrent Resolution No. 25 to the Texas State Railroad Commission, and also to the Interstate Commerce Commission.

The resolution was read and adopted.

## SENATE BILL NO. 75.

(By Senator Carter.)

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 75, A bill to be entitled "An Act for the protection of persons of this State who may be injured in a foreign country and providing for adequate compensation therefor, and declaring an emergency."

The committee report with (committee) amendments was adopted.

The bill was read second time and ordered engrossed.

On motion of Senator Carter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Astin.	Brelsford.
Bailey.	Carter.

Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
McNealus.	Westbrook.
Morrow.	Wiley.
Murray.	Willacy.

Absent.

McGregor.	Paulus.
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Absent—Excused.

Lattimore.

The bill was read third time and passed by the following vote:

Yeas—28.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
McNealus.	Willacy.

Absent.

McGregor.	Paulus.
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Absent—Excused.

Lattimore.

Senator Carter moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 193.

(By Senator Collins.)

The Chair laid before the Senate, on second reading,

Senate bill No. 193, A bill to be entitled "An Act limiting and restricting the expenditures of money in political campaigns by candidates for office; providing a penalty for violation of the provisions of this act; repealing all laws and parts

of laws in conflict herewith, and declaring an emergency."

Senator Collins offered the following amendment, which was read and adopted:

Amend the bill as follows: Strike out the word "ball," in Section 2 in the committee substitute, and insert the word "hall."

Senator Watson offered the following amendment:

Amend the bill, page 1194 of the Journal, line 2, by adding after the word "reimbursement" the following: "nor to any other person or persons."

Senator Westbrook moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—12.

Brelsford.	McNealus.
Carter.	Nugent.
Collins.	Townsend.
Cowell.	Vaughan.
Darwin.	Warren.
Greer.	Westbrook.

Nays—10.

Astin.	Real.
Bailey.	Terrell.
Gibson.	Watson.
Hudspeth.	Weinert.
Kauffman.	Willacy.

Present—Not Voting.

Conner.	Taylor.
Johnson.	Wiley.
Morrow.	

Absent.

McGregor.	Paulus.
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Murray.	Absent—Excused.
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Lattimore.

Senator Collins offered the following amendment:

Amend the bill as follows: By adding after Section 1 the following: "Provided that the provisions of this act shall not be construed to prohibit the payment for newspaper advertisements by candidates."

Senator Cowell offered the following substitute for the amendment:

Amend the bill by adding after Section 1 the following: "Provided, that nothing herein shall be construed as prohibiting any candidate from paying all necessary travelling, hotel, printing and advertising expenses."

The substitute for the amendment was adopted.

Senator Watson offered the following amendment to the amendment:

Amend the amendment by adding to the end thereof the following: "or other publications or printing, or any other proper and legitimate expenditures by any candidate for reasonable salaries and expenses of clerks, secretaries and other employes."

Pending.

(Lieutenant Governor Mayes in the chair.)

#### RULING ON PENDING POINT OF ORDER.

The Chair, Lieutenant Governor Mayes, made the following ruling on the point of order made by Senator Watson on Senate bill No. 30:

The point of order by the Senator from Lee on House bill No. 30, that the bill which passed the Senate and was sent to the House, has been so changed that it has become a substitute or new bill and, therefore, cannot go to a Free Conference Committee at present, but to the regular House committee for the consideration of such bills, has been carefully considered, and the Chair rules that under Senate Rule 28, which is as follows:

"A bill, when introduced, shall be read and referred to a committee. The first reading of a bill, if a Senate bill, shall be the reading thereof when introduced; if a House bill, the reading thereof when transmitted to the Senate. And all House bills, when received in the Senate, shall be read and referred to a committee. No action shall be taken upon a bill accepting, rejecting or amending the same until it has been reported upon by a committee."

And Senate Rule No. 34, which is as follows:

"When the House of Representatives shall adopt and send to the Senate a substitute for a bill that has previously passed the Senate and been sent to the House, said substitute shall be acted upon by the Senate in the same manner as a bill that originated in the House of Representatives; and any amendment which is in effect a substitute shall be considered a substitute bill." Said point of order is well taken.

Upon a careful examination and comparison of the Senate bill with the House amendments the Chair is forced to the conclusion that the House amendment is in effect a substitute bill and not

an amendment to the Senate bill and, therefore, comes within Senate Rule No. 34, above quoted, and requires the Chair to refer it to a committee for consideration. On first thought it might appear that reference to a Free Conference Committee might meet the requirements of Senate Rule No. 28, but Senate Rule 34 clearly states that "said substitute shall be acted upon by the Senate in the same manner as a bill that originated in the House of Representatives," which can mean nothing else than that it must go to a Senate committee.

The Chair, under these rules, therefore, must refer this bill to the Senate Committee on Labor for its consideration and report, and in view of the near approach of the end of the legislative session, requests said committee to make an immediate report upon said bill.

Respectfully submitted,

WILL H. MAYES,

Lieutenant Governor.

The above ruling was read, and Senator Collins appealed from the ruling of the Chair. Senator Townsend was called to the chair and presided.

Question—Shall the Chair be sustained?

The Senate sustained the ruling of the Chair by the following vote:

Yeas—22.

Astin	McNealus.
Bailey.	Morrow.
Carter.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Terrell.
Gibson.	Townsend.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.

Nays—3.

Collins.	Westbrook.
Vaughan.	

Present—Not Voting.

Brelsford.

Absent.

McGregor.	Paulus.
Murray.	Willacy.

Absent—Excused.

Lattimore.

## RECESS.

On motion of Senator Kauffman the Senate, at 10:30 o'clock p. m., recessed until 10 o'clock tomorrow morning, March 28.

## AFTER RECESS.

(Morning Session, March 28.)

The Senate was called to order by Lieutenant Governor Mayes.

Prayer by the Chaplain, Rev. H. M. Sears.

## BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Collins:

Senate bill No. 492, A bill to be entitled "An Act to amend Article 6901 of the Revised Civil Statutes of 1911, of the State of Texas relating to the compensation of county commissioners when constituted and acting as supervisors of public roads, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senators Watson, McNealus, Warren, Kauffman:

Senate bill No. 493, A bill to be entitled "An Act to amend subdivision 60, of Title 25 of the Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirty-second Legislature, as amended at the Regular Session of the Thirty-third Legislature, authorizing the formation of corporations for the construction and operation of interurban electric, gas or gasoline, denatured alcohol or naphtha motor railways, with power to own, construct and operate union depots and office buildings, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

## SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Townsend:

Be it resolved by the Senate. That the chairman of the Senatorial Redistricting Committee be and he is hereby directed to report to the Senate at once Senate bill No. 243 by Johnson, redistricting the State into senatorial districts with a favorable recommendation but that said

bill be not printed, but that it be printed in the Journal of this date, to the end that the Senate may consider such bill, with a view of offering amendments thereto, if any, which it may consider desirable, and to finally pass a bill redistricting the State into senatorial districts, and that said bill be set for special order at 3:00 p. m. on this day, March 28, 1913, for consideration by this body, displacing all pending or special orders.

Be it further resolved by the Senate, That the Secretary of this body be and he is hereby directed to have typewritten copies of said bill made and to place a copy of such bill on each Senator's desk before 12:00, noon, today.

Senator Brelsford offered the following substitute for the resolution:

Resolved, That senatorial redistricting bill be made a special order for tomorrow morning immediately after the morning call, and that same be considered in committee of the whole Senate.

Senator Bailey moved to table the substitute, which motion to table was adopted by the following vote:

Yeas—22.

Astin.	Nugent.
Bailey.	Paulus.
Conner.	Real.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Hudspeth.	Watson.
Kauffman.	Weinert.
McGregor.	Westbrook.
Morrow.	Wiley.
Murray.	Willacy.

Nays—7.

Brelsford.	McNealus.
Carter.	Taylor.
Collins.	Terrell.
Johnson.	

Absent.

Greer.

Absent—Excused.

Lattimore.

Senator Gibson moved to table the resolution, which motion to table was adopted by the following vote:

Yeas—18.

Astin.	Morrow.
Bailey.	Murray.
Conner.	Nugent.
Cowell.	Paulus.
Darwin.	Real.
Gibson.	Terrell.
Kauffman.	Vaughan.

Warren.  
Watson.

Weinert.  
Willacy.

Nays—10.

Brelsford.  
Carter.  
Collins.  
Greer.  
Johnson.

McNealus.  
Taylor.  
Townsend.  
Westbrook.  
Wiley.

Absent.

McGregor.

PAIRED.

Senator Hudspeth (present), who would vote "yea," with Senator Lattimore (absent), who would vote "nay."

#### REASON FOR VOTE.

I vote "yea" on the motion to table because, considering the near approach of the close of the session, and the complications and difficulties involved in attempting to redistrict the State, judging by experience, the adoption of the resolution would result in a waste of the time remaining and the defeat of other important legislation that can be accomplished.

VAUGHAN.

#### SENATE BILL NO. 79—FREE CONFERENCE COMMITTEE ON.

Senator Terrell called up Senate bill No. 79 with the following House amendment:

Amend Senate bill No. 79 at end of Section 1, by adding the following: "Provided, that this act shall not in any manner affect any litigation by or against any corporation, and shall not in any manner affect any cause of action that originated since the forfeiture of the charter or cancellation of permit and prior to the time of taking advantage of this act."

The amendment was read, and Senator Terrell made the following motion:

I move that the Senate do not concur in the House amendment to Senate bill No. 79 and that a Free Conference be asked for by the Senate and that the following Senators be named on the part of the Senate: Warren, Carter, Morrow, Bailey and Willacy.

The motion was read and adopted.

#### NINTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted Senate Concurrent Resolution No. 10, with amendments.

Also has passed the following bills:

House bill No. 191, A bill to be entitled "An Act to create and establish the county of Jim Hogg taken from the existing territory of Brooks and Duval counties, prescribing its area and boundaries; appointing commissioners to organize said county, and prescribing their duties; providing for a division of said county into commissioners and justices precincts; providing for holding county and precinct elections for the elections of county and precinct officers, and the location of the county seat of said county; providing for the attachment of said county to judicial, Representative, Senatorial and Congressional districts and supreme judicial districts; providing for the assessment and collection of taxes, and for the defraying of the expenses of organizing said county and for the new county to pay its pro rata share of the debt of the counties from which it is taken, repealing all laws and parts of laws in conflict herewith, and declaring an emergency," with engrossed rider.

House bill No. 897, A bill to be entitled "An Act to reorganize the First Judicial District of Texas, composed of the counties of San Augustine, Sabine, Jasper, Newton, Orange and Tyler, and to prescribe the time for holding of the courts in said district, and to validate all process, bonds and recognizances heretofore taken in the courts of said district, and all judgments therein rendered, or to be rendered, repealing all laws in conflict, and declaring an emergency."

House bill No. 764, A bill to be entitled "An Act to amend Article 6715, Chapter 15, Title 115, of the Revised Civil Statutes of the State of Texas of 1911, relating to the building of sidings and spur tracks by railroad companies."

House bill No. 229, A bill to be entitled "An Act to amend Article 3903, Chapter 4, Title 58, of the Revised Civil Statutes of 1911 of the State of Texas, relating to the appointment by certain officers named in Articles 3881 to 3886 of the Revised Civil Statutes, of deputies or assistants in the performance of

the duties of such officers where such assistants or deputies are necessary for the efficiency of the public service; providing for an application to be made by such officers to the county judge of the county for authority to appoint same; prescribing the issuance by the county judge of an order authorizing the appointment of such deputies or assistants; providing that the officer desiring such deputies or assistants shall make affidavit that such assistants or deputies are necessary for the efficiency of the public service; providing for the salary of the chief deputy and of the other deputies or assistants; providing that the order of the county judge granting such authority shall state the number of deputies or assistants and the amount to be paid to each by such officers desiring their appointment; providing for the maximum amount allowed for deputies in counties having a population of 37,500 or more, and to declare an emergency."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### HOUSE BILLS ON FIRST READING.

The Chair (Lieutenant Governor Mayes) referred, after their captions had been read, the following House bills:

House bill No. 191, referred to Committee and Counties and County Boundaries.

House bill No. 897, referred to Committee on Judicial Districts.

House bill No. 764, referred to Committee on Internal Improvements.

House bill No. 229, referred to Committee on State Affairs.

#### SENATE CONCURRENT RESOLUTION NO. 10—HOUSE AMENDMENTS CONCURRED IN.

Senator Paulus called up Senate Concurrent Resolution No. 10, with the following House amendments:

In Section 1 strike out the words "and the two members of the Board of Pardon Advisors" and insert in lieu thereof, "Senator F. C. Weinert, Hon. D. M. Reedy and W. L. Hill."

Add to Section 3 the following: "The life of said committee is limited to three months after it shall begin its work."

Amend Section 4 so as to hereafter read as follows: "The members of said committee shall be paid \$5.00 per day each

and all necessary traveling expenses while engaged in the performance of their duties."

Amend Section 5 by adding thereto the following: "And to administer oaths and to summon such witnesses as they think necessary."

Amend the bill by striking out the words "Board of Pardon Advisors" wherever they occur in the resolution.

Senator Paulus moved that the Senate concur in the House amendments.

Senator Townsend offered the following substitute motion:

I move that we do not concur in the House amendments to Senate Joint Resolution No. 10, and that we ask for a Free Conference Committee on said bill and that we elect Senators Hudspeth, Paulus, Warren, Collins and Johnson to represent the Senate upon said Free Conference Committee.

Senator Hudspeth moved to table the substitute motion, which motion to table was adopted by the following vote:

Yeas—14.

Astin.	Morrow.
Brelsford.	Murray.
Carter.	Paulus.
Conner.	Reai.
Gibson.	Terrell.
Hudspeth.	Watson.
McGregor.	Willacy.

Nays—7.

Darwin.	Taylor.
Greer.	Townsend.
Johnson.	Westbrook.
McNealus.	

Present—Not Voting.

Collins.	Weinert.
Cowell.	Wiley.
Warren.	

Absent.

Bailey.	Nugent.
Kauffman.	Vaughan.

Absent—Excused.

Lattimore.

The motion to concur in the House amendments was then adopted.

#### SENATE BILL NO. 356—HOUSE AMENDMENTS CONCURRED IN.

Senator Brelsford called up Senate bill No. 356, with the following House amendments:

(1)

Amend Section 4, page 3, by striking out all of line 4 after the word "convict" and all of line 5 up to the word "no."

(2)

Amend bill by striking out all of Section 6 after the word "hands," in line 26, page 4.

(3)

Amend bill by striking out all of Section 12, page 6.

(4)

Amend Section 22 by striking out all of line 3, page 10, after the word "year," and all of lines 4 to 13, inclusive, and all of line 14 up to and including the word "cumulative."

Senator Brelsford moved that the Senate concur in the House amendments, which motion was adopted by the following vote:

Yeas—29.

Astin.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.
Morrow.	

Absent.

Bailey.

Absent—Excused.

Lattimore.

## HOUSE BILL NO. 827.

Senator Johnson called up House bill No. 827, and made the following motions, separately, which were read and adopted:

(1)

I move to rescind the vote by which House bill No. 827 was finally passed.

(2)

I move to rescind the vote by which House bill No. 827 passed to a third reading.

The Chair laid before the Senate, on second reading.

House bill No. 827, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, of the Revised Civil Statutes of Texas, 1911, with reference to the mode of preventing horses and certain other animals from running at large in counties named, so as to include Ochiltree county, and declaring an emergency."

Senator Johnson offered the following amendment, which was read and adopted.

Amend the bill so as to include the counties of Henderson, Cameron, Concho, Pecos and Reeves, in both the caption and Section 1 of the bill.

The bill was read second time and was passed to a third reading.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—30.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

Absent—Excused.

Lattimore.

The bill was read third time and was passed.

## HOUSE BILL NO. 386.

Senator Johnson made the following motion, which was read and adopted:

I move to rescind the action by which the Senate finally passed House bill No. 386 and that said bill be laid on the table subject to call.

## HOUSE BILL NO. 521.

Senator Johnson made the following motion:

I move that the Senate rescind the

action by which it finally passed House bill No. 521, and that said bill lay upon the table subject to call.

### HOUSE BILL NO. 860.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading and regular order,

House bill No. 860, A bill to be entitled "An Act creating the Willow Grove Independent School District, situated in Bell and McLennan counties, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Taylor, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—30.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.

Absent.

Lattimore.

The bill was read third time and passed by the following vote:

Yeas—30.

Astin.	Kauffman.
Bailey.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Collins.	Murray.
Conner.	Nugent.
Cowell.	Paulus.
Darwin.	Real.
Gibson.	Taylor.
Greer.	Terrell.
Hudspeth.	Townsend.
Johnson.	Vaughan.

Warren.  
Watson.  
Weinert.

Westbrook.  
Wiley.  
Willacy.

Absent.

Lattimore.

Senator Taylor moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

### HOUSE BILL NO. 2.

Senator Morrow called up from the President's table House bill No. 2, as pending business.

There being a pending amendment by Senator Murray, the same was withdrawn.

Senator Watson offered the following amendments separately, which were read and adopted:

(1)

Amend the bill by striking out all of Article 2894 and insert in lieu thereof the following:

"Article 2894. Any city, or town, or independent or common school district having voted a tax, in addition to the pro rata of the available school fund received from the State, may prescribe such other studies as the board of school trustees may deem proper, and the board of school trustees of any city, or town, or independent or common school district shall admit any person who themselves, or whose parents or legal guardians reside within said city, or town or independent or common school district to the benefits of the public school who are over seven and not over twenty-one years of age at the beginning of the scholastic year."

(2)

Amend the caption by adding after the first word "town," in line 3, the following: "or independent or common school district," and by adding after the words "school trustees of any" and before the word "independent" in line 7, the following: "city or town or," and by adding after the words "all persons," in line 7, the following: "who themselves, or whose parents or legal guardians reside within said city or town or independent or common school districts."

The bill was read second time and passed to a third reading

SENATE BILL NO. 146 — HOUSE  
AMENDMENTS CONCURRED IN.

Senator Collins called up Senate bill No. 146, with the following House amendments:

(1)

Amend Senate bill No. 146 by striking out "Nacogdoches" in Section 9 and adding "Nacogdoches" in Section 6.

(2)

Amend Senate bill No. 146 by adding to subdivision 6 of Section 1, the following: "Red River, Bowie, Hopkins."

On motion of Senator Collins, the House amendments were concurred in.

SENATE BILL NO. 204 — HOUSE  
AMENDMENTS CONCURRED IN.

Senator Collins called up Senate bill No. 204, with the following House amendments:

(1)

Amend the bill, Section 3, line 5, on page 2, by adding after the word "State" in said line the following words: "Or with any good and sufficient surety bonding company authorized to transact business in this State."

(2)

Amend the bill, Section 4, line 25, page 2, by adding between the words "exhausted" and "and" in said line the words "or suits sufficient to exhaust the bond are pending."

(3)

Amend the bill Section 6, line 6, page 3, by striking out the words "each year from the former" in said line and inserting in lieu thereof the following: "every two years from the issuance of the former license."

On motion of Senator Collins, the House amendments were concurred in.

## HOUSE BILL NO. 704.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading and regular order,

House bill No. 704, A bill to be entitled "An Act to appropriate the sum of \$7,500 for the construction of one 50,000-gallon steel tank to complete sewerage

connection to Manual Arts Building with city sewer system, and repair to roof trusses, and roof on the main building of the Southwest Texas State Normal School at San Marcos, and declare an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	Murray.
Bailey.	Nugent.
Brelsford.	Paulus.
Carter.	Real.
Collins.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
McNealus.	Willacy.
Morrow.	

Absent.

Conner.	Vaughan.
McGregor.	

Absent—Excused.

Lattimore.

The bill was read third time and was passed by the following vote:

Yeas—27.

Astin.	Murray.
Bailey.	Nugent.
Brelsford.	Paulus.
Carter.	Real.
Collins.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
McNealus.	Willacy.
Morrow.	

Absent.

Conner.	Vaughan.
McGregor.	

Absent—Excused.

Lattimore.

Senator Weinert moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 378.

(By Unanimous Consent.)

The Chair laid before the Senate, on third reading,

Senate bill No. 378, A bill to be entitled "An Act to provide for the examination of books, accounts, records, letters, documents, papers, securities, and to count the cash of all State institutions and departments, and of all State, district, county and precinct officers in this State; defining the duties of Comptroller of Public Accounts and of certain State, district, county and precinct officers; providing for the appointment of special agents and prescribing qualifications," etc.

The bill was read third time and was passed.

#### RECESS.

On motion of Senator Gibson, the Senate, at 12:25 o'clock p. m., recessed until 3 o'clock today.

#### AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

#### SIMPLE RESOLUTION.

By Senator Taylor:

Whereas, The Hon. Charles P. Burkes, the handsome, affable and efficient Sergeant-at-Arms of the House of Representatives of the State of Texas, has recently been appointed to the position of Deputy United States Marshal for the Western District of Texas; and

Whereas, Recognizing the superior worth of Mr. Burkes; therefore, be it

Resolved, That we, his admirers of the Senate of Texas, extend our warmest congratulations to Mr. Burkes upon receiving the appointment to this high and honorable position, congratulate the good old county of Bell, from which he hails and where he was born, upon producing such a worthy son, and that

a copy of this resolution be transmitted to his good father and mother in Bell county, and also a copy be sent to Mr. Burkes in person.

HUDSPETH.  
TAYLOR.

The resolution was read and adopted.

#### HOUSE BILL NO. 864.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading and regular order,

House bill No. 864, A bill to be entitled "An Act to amend Section 2 of Chapter 39, Special Laws of 1903, entitled 'An Act to create a more efficient road system for Nacogdoches county,' etc., wherein said act prescribes the time for the appointment of road overseers in said county."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Brelsford.	Murray.
Carter.	Nugent.
Collins.	Paulus.
Conner.	Taylor.
Cowell.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McGregor.	Wiley.
McNealus.	Willacy.
Morrow.	

Absent.

Astin.	Real.
Bailey.	Terrell.
Darwin.	

Absent—Excused.

Lattimore.

The bill was read third time and was passed by the following vote:

Yeas—27.

Astin.	Carter.
Bailey.	Collins.
Brelsford.	Conner.

Cowell.	Paulus.
Gibson.	Taylor.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
McGregor.	Weinert.
McNealus.	Westbrook.
Morrow.	Wiley.
Murray.	Willacy.
Nugent.	

Absent.

Darwin.	Terrell.
Real.	

Absent—Excused.

Lattimore.

Senator Taylor moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 886.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading and regular order,

House bill No. 886, A bill to be entitled "An Act providing the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in subdivisions of Harris county, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and ordered engrossed.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Taylor.
Conner.	Townsend.
Cowell.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent.

Darwin.	Terrell.
Real.	

Absent—Excused.

Lattimore.

The bill was read third time and was passed by the following vote:

Yeas—27.

Astin.	Morrow.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Taylor.
Conner.	Townsend.
Cowell.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
McGregor.	Willacy.
McNealus.	

Absent.

Darwin.	Terrell.
Real.	

Absent—Excused.

Lattimore.

Senator Bailey moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 246—HOUSE AMENDMENT CONCURRED IN.

Senator Vaughan called up Senate bill No. 246, with the following House amendment:

Amend Senate bill No. 246, page 25, Sec. 29, line 14, by adding the word "hazardous" to precede the word "occupation."

The above amendment was read and the Senate concurred in the House amendment by the following vote:

Yeas—25.

Astin.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Collins.	Murray.
Conner.	Nugent.
Cowell.	Paulus.
Gibson.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.

Westbrook. Willacy.  
Wiley.

Absent.

Bailey. Taylor.  
Darwin. Terrell.  
Real.

Absent—Excused.

Lattimore.

#### SENATE BILL NO. 219.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 219, A bill to be entitled "An Act relating to the incorporation, operation and supervision of State banks, trust companies, savings banks, and bank and trust companies," etc.

Senator Brelsford offered the following amendment, which was read and adopted:

Amend the bill, Section 4, pages 3 and 4, by striking out all after the word "writing," in line 30 down to the words "Section 5," line 2, page 4 of bill.

Senator Warren offered the following amendments, separately, which were read and adopted:

(1)

Amend the caption of the bill by adding at the end thereof the following: "and declaring an emergency."

(2)

Amend the bill by adding Section 7 to read as follows:

"Sec. 7. The crowded condition of the calendar and the fact that there is now no proper provision for making reports of the condition of State banks and trust companies, and trust companies, creates an emergency and imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act be in force and take effect from and after its passage, and it is so enacted."

The bill was read second time and ordered engrossed.

On motion of Senator Warren, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Astin. Carter.  
Brelsford. Collins.

Conner. Nugent.  
Cowell. Paulus.  
Gibson. Terrell.  
Greer. Townsend.  
Hudspeth. Warren.  
Johnson. Watson.  
Kauffman. Weinert.  
McGregor. Westbrook.  
McNealus. Wiley.  
Morrow. Willacy.  
Murray.

Absent.

Bailey. Taylor.  
Darwin. Vaughan.  
Real.

Absent—Excused.

Lattimore.

The bill was read third time and passed by the following vote:

Yeas—26.

Astin. McNealus.  
Brelsford. Morrow.  
Carter. Murray.  
Collins. Nugent.  
Conner. Paulus.  
Cowell. Terrell.  
Darwin. Townsend.  
Gibson. Warren.  
Greer. Watson.  
Hudspeth. Weinert.  
Johnson. Westbrook.  
Kauffman. Wiley.  
McGregor. Willacy.

Absent.

Bailey. Taylor.  
Real. Vaughan.

Absent—Excused.

Lattimore.

Senator Warren moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 402.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading and regular order,

House bill No. 402, A bill to be entitled "An Act to amend Chapter 88 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-second Legislature of Texas, entitled 'An Act providing for surveys within this State for the construction and maintenance of pools, lakes, reser-

voirs, dams, canals and waterways, and for either or any of them, to prevent overflows, to procure drainage, and for the improvement of rivers, creeks and streams by levees or otherwise, to prevent overflows; to provide for the creation of a State Levee and Drainage Board, and defining and prescribing of the duties and powers of said board, and providing for the payment of their expenses; authorizing and empowering said board to appoint a commissioner to be known as State Levee and Drainage Commissioner, defining his powers, and prescribing his duties, and authorizing said board to prescribe his further duties not in conflict with this act; and making an appropriation to carry out the provisions of this act; and declaring an emergency."

The committee report, providing that the bill be not printed, but be printed in the Journal, was adopted.

Senator Watson offered the following amendment, which was read and adopted:

(1)

Amend the caption of committee substitute of House bill No. 402 as follows: On page 13, line 37 (of the printed bill) strike out the words "a State Reclamation Board" and insert in lieu thereof the words "the office of State Reclamation Engineer." On page 13, line 38, strike out the words "board; empowered" and insert in lieu thereof the words "engineer; empowering." On page 13, line 39, strike out the word "board" and insert in lieu thereof the word "engineer." On page 13, line 40, strike out the word "board" and insert in lieu thereof the word "engineer." On page 14, line 1, strike out the word "board" and insert the word "engineer." On page 14, line 2, strike out the word "board" and insert the word "engineer." On page 14, line 17, strike out the word "board" and insert the word "engineer." On page 14, line 20, strike out the word "board" and insert the word "engineer." On page 14, line 28, strike out the word "board" and insert the word "engineer." On page 14, line 29, strike out the word "board" where it occurs in two places, and insert the word "engineer." On page 14, line 32, strike out the word "board" and insert the word "engineer." On page 14, line 38, strike out the word "board" and insert the word "engineer."

(2)

Amend committee substitute for House bill No. 402 as follows: Amend Section

3 (page 16 of the printed bill) by striking out all of the section, and inserting in lieu thereof the following:

"Sec. 3. For the purpose of carrying out the provisions of this act there is hereby created and established the office of State Reclamation Engineer. The said State Reclamation Engineer shall himself be a thoroughly experienced and skilled topographer and hydrographer and draftsman and reclamation engineer; and he shall have had not less than five years' actual experience in the organizing and supervising of geodetic and topographic surveying and mapping of large areas, and in the general direction of field and office engineering corps. He shall be thoroughly experienced in making and passing upon reclamation plans and estimates and in the preparation and writing of technical reports and publications, and in the reproduction of maps."

(3)

Amend Section 4 (page 16 of the printed bill) by striking out the word "board" wherever it occurs in the section, and inserting in lieu thereof the word "engineer." In line 26 of the same section strike out the word "number" and insert the word "manner," and in line 28 strike out the word "its" and insert the word "his."

(4)

Amend Section 5 (page 17 of the printed bill) by striking out all of the section and inserting in lieu thereof the following:

"Sec. 5. The said State Reclamation Engineer shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve for a term of two years, and until his successor is appointed and qualified. The said State Reclamation Engineer shall receive as compensation for his service the sum of thirty-six hundred (\$3,600.00) dollars per annum, payable monthly; and in addition to his salary he shall be reimbursed for his necessary traveling and station expenses, or shall be reimbursed therefor by an equivalent per diem allowance in lieu thereof, while engaged upon his official duties in the field."

(5)

Amend Section 6, page 17 of the printed bill as follows: Strike out the words "with the approval of the said board" wherever they occur within the section. On line 23 strike out

the words "provided, that no agreement or contract for the said co-operation shall be valid until made in writing and approved and countersigned by the said board, as provided in Section 4 of this act." On line 29 strike out the words "the board may direct" and insert in lieu thereof the words "may be necessary to properly carry out the provisions of this act." On line 30 insert the word "said" before the word "Engineer." On line 32 strike out the words "by written petition or letter addressed to the said board."

(6)

Amend Section 7 (page 17 of the printed bill) by striking out the words "to the said board" and "to the board" wherever they occur in the section. On line 38 insert the word "Reclamation" between the words "State" and "Engineer." Strike out the word "board" wherever it occurs in the section and insert in lieu thereof the word "engineer."

(7)

Amend Section 8 (page 18 of the printed bill) by striking out the word "board" wherever it occurs within the section and insert in lieu thereof the word "engineer."

(8)

Amend Section 11 (page 19 of the printed bill) by adding at the end of section the words "and to be paid upon vouchers approved by the said State Reclamation Engineer."

The bill was read second time and passed to a third reading.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Nugent.
Carter.	Real.
Conner.	Terrell.
Cowell.	Vaughan.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Weinert.
Hudspeth.	Wiley.
Johnson.	Willacy.
Kauffman.	

Nays—4.

Collins.	Townsend.
Taylor.	Westbrook.

Absent.

McGregor.	Paulus.
Murray.	

Absent—Excused.

Lattimore.

Senator Townsend moved to lay the bill on the table subject to call tomorrow.

Senator Watson moved to table the motion to lay on the table subject to call, which motion was adopted by the following vote:

Yeas—15.

Astin.	Nugent.
Bailey.	Paulus.
Conner.	Real.
Gibson.	Terrell.
Hudspeth.	Watson.
Kauffman.	Weinert.
McGregor.	Willacy.
Murray.	

Nays—12.

Brelsford.	Johnson.
Carter.	Taylor.
Collins.	Townsend.
Cowell.	Warren.
Darwin.	Westbrook.
Greer.	Wiley.

Present—Not Voting.

Vaughan.

Absent.

McNealus.	Morrow.
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Absent—Excused.

Lattimore.

The bill was read third time and passed by the following vote:

Yeas—17.

Astin.	Paulus.
Bailey.	Real.
Brelsford.	Taylor.
Conner.	Terrell.
Gibson.	Warren.
Hudspeth.	Watson.
Kauffman.	Weinert.
Murray.	Willacy.
Nugent.	

Nays—10.

Carter.	Johnson.
Collins.	McNealus.
Cowell.	Townsend.
Darwin.	Westbrook.
Greer.	Wiley.

Present—Not Voting.

Vaughan.

Absent.

McGregor.

Morrow.

Absent—Excused.

Lattimore.

Senator Watson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### TENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution:

House Joint Resolution No. 28, Proposing amendments to Article 7 of the State Constitution so as to provide for a more efficient system of public education, and making an appropriation to pay for advertising the Governor's proclamation submitting the same to a vote of the people, and to meet other necessary expenses required by this joint resolution; with engrossed rider.

The House does not concur in Senate amendment to House bill No. 102 and requests a Free Conference Committee. The following committee has been appointed: Ussery, Webb, Reeves, Cox of Delta and Cope.

The House has rescinded the vote by which it concurred in Senate amendments to House bill No. 570, and requests the appointment of a Free Conference Committee. The following committee has been appointed: Henry of Wichita, Woods of Fisher, Bruce, Householder and Haney.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

#### RESOLUTION ON FIRST READING.

The Chair Lieutenant Governor Mayes referred, after its caption had been read, the following House resolution:

House Joint Resolution No. 28, referred to Committee on Constitutional Amendments.

#### HOUSE BILL NO. 102—FREE CONFERENCE COMMITTEE ON.

Senator McNealus made the following motion:

I move that the Senate accede to the request of the House for a Free Conference Committee on House bill No. 102 and that the following Senators be appointed on the part of the Senate: Warren, Greer, Brelsford, Collins, Vaughan.

The above motion was read and adopted.

#### HOUSE BILL NO. 570—FREE CONFERENCE COMMITTEE ON.

Senator Cowell made the following motion:

I move that the Senate comply with the request of the House for a Free Conference Committee on House bill No. 570 and that the following free conferees on the part of the Senate be elected: Hudspeth, Weinert, Bailey, Collins, Nugent.

The above motion was read and was adopted.

#### HOUSE BILL NO. 259.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 259, A bill to be entitled "An Act to authorize the sterilization of a certain class of criminals, lunatics and epileptics and syphilitics and persons with a hereditary tendency to congenital diseases of mind or body who are now or may hereafter be confined in any eleemosynary or penal institution of the State of Texas, to the end that procreation of such classes may be prevented; and to provide for the appointment of a board or boards, whose duty it shall be to decide in what cases sterilization is advisable for the benefit of the person and society, and to prescribe regulations and means by which said operation of sterilization may be performed, and to provide for the payment of any expense incurred by any of the provisions of this act, and declaring an emergency."

Pending discussion Senator Westbrook moved the previous question on the bill, which motion being duly seconded was so ordered.

The bill was read and the Senate re-

fused to pass same to a third reading, by the following vote:

## Yeas—11.

Astin.	Taylor.
Carter.	Vaughan.
Collins.	Warren.
Johnson.	Weinert.
Paulus.	Willacy.
Real.	

## Nays—14.

Erelsford.	Murray.
Conner.	Nugent.
Cowell.	Terrell.
Hudspeth.	Townsend.
Kauffman.	Watson.
McNealus.	Westbrook.
Morrow.	Wiley.

## Absent.

Bailey.	Greer.
Gibson.	

## Absent—Excused.

Lattimore.

## PAIRED.

Senator Darwin (present), who would vote "yea," with Senator McGregor (absent) who would vote "nay."

Senator Terrell moved to reconsider the vote by which the bill failed to pass to a third reading, and lay that motion on the table.

The motion to table prevailed.

## REASON FOR VOTE.

I vote "nay" for the reason that, while I am inclined to believe that the march and progress of science and civilization will soon bring us to a point where sterilization, under proper safeguards will find a legitimate place in our laws, the proposed bill, in my opinion, does not measure up to the requirements of so serious and important a subject.

COWELL.

## ELEVENTH HOUSE MESSAGE.

Hall of the House of Representatives,

Austin, Texas, March 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants request for a Free Conference Committee on Senate bill No. 79, and the following members have been appointed on part of

the House: Hill, Williams of McLennan, Dunn, Bagby and Woods of Navarro.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

FREE CONFERENCE COMMITTEE  
REPORT ON SENATE BILL NO. 11.

By Senator Collins:

Austin, Texas, March 28, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the difference between the Senate and House on Senate bill No. 11, beg leave to report as follows, to wit:

1. We recommend that subsection 4, under Section 1, part 1, be added to read as follows:

"4. Provided, however, in all such actions against an employer who is not a subscriber as defined hereafter in this act, it shall be necessary to a recovery for the plaintiff to prove negligence of such employer or some agent or servant of such employer acting within the general scope of his employment."

2. We recommend further that subsection "a" in the Senate engrossed bill and in the House printed bill be stricken out.

3. We recommend further that Section 2, part 1 of the engrossed bill be so changed to read as follows:

"Sec. 2. The provisions of this act shall not apply to actions to recover damages for the personal injuries or for death resulting from personal injuries sustained by domestic servants, farm laborers, nor to the employes of any person, firm or corporation operating any railway as a common carrier, nor to laborers engaged in working for a cotton gin, nor to the employes of any person, firm or corporation having in his or their employ not more than five employes."

4. We further recommend that Section 4, part 2 of the engrossed bill beginning on page 5 of the House printed bill be amended so as to read as follows:

"Sec. 4. The Board may make rules not inconsistent with this act for carrying out and enforcing its provisions, and may require an employe claiming to have sustained injury to submit himself for examination before such Board or some one acting under its authority at

some reasonable time and place within the State and as often as may be reasonably ordered by the Board, to a physician or physicians authorized to practice under the laws of this State. If the employe requests he shall be entitled to have a physician or physicians of his own selection present to participate in such examination. Refusal of the employe to submit to such examination shall deprive him of the right to compensation during the continuance of such refusal. When a right to compensation is thus suspended no compensation shall be payable in respect of the period of suspension. Process and procedure shall be as summary as may be under this act. The Board or any member thereof shall have power to subpoena witnesses, administer oaths, inquire into matters of fact, and to examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute. All rulings or decisions of the Board relating to disputed claims shall be based upon questions of fact, and in accord with the provisions of this act."

5. We further recommend that Section 4a be added after Section 4, part 2, of said bill, to read as follows, to wit:

"Sec. 4a. No proceedings for compensation for an injury under this act shall be maintained unless a notice of the injury shall have been given to the association or subscriber, as soon as practicable after the happening thereof, and unless the claim for compensation with respect to such injury shall have been made within six months after the occurrence of the same; or, in case of the death of the employe, or in the event of his physical or mental incapacity, within six months after death or the removal of such physical or mental incapacity."

6. We further recommend that the following be added after Section 5, part 2, of the engrossed bill, on page 6 of the House printed bill:

"Provided, however, that whenever any such suit is brought, the rights and liabilities of the parties thereto shall be determined by the provisions of this act, and the suit of the injured employe, or persons suing on account of the death of such employe, shall be against the association, if the employer of such injured or deceased employe is at the time of such injury or death a subscriber, as defined in this act, in which case the recovery shall not exceed the maximum compensation allowed under the provisions of this act, and the court shall determine the issues in such cause instead of said Board."

With the above and foregoing amendments, we recommend that said bill be passed.

Very respectfully submitted,

COLLINS,  
DARWIN,  
TERRELL,  
VAUGHAN,  
WARREN,

On the part of the Senate.

BYRNE,  
PARKS,  
KIRBY,  
ROGERS,

On the part of the House.

The above report was read and on motion of Senator Collins was adopted.

Senator Collins moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

#### FREE CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 8.

By Senator Terrell:

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: Your Free Conference Committee, selected and appointed to adjust the differences between House and Senate on Senate bill No. 8, have had the same under consideration, and beg leave to report that we recommend that the House recede from the House amendments adopted to Senate bill No. 8.

TERRELL,  
WARREN,  
DARWIN,  
KAUFFMAN,  
HUDSPETH,

On the part of the Senate.

TILLOTSON,  
DOVE,  
CRESTMAN,  
MANGUM,

On the part of the House.

The above report was read and adopted.

Senator Darwin moved to reconsider the vote by which the report was adopted and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 892.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading and regular order,

House bill No. 892, A bill to be entitled "An Act to create a road commission for Baylor county by making the members of the commissioners court ex-officio members of said commission, and defining duties, powers, salaries and qualifications of the same, and declaring an emergency."

On motion of Senator Johnson, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (See Appendix for committee report.)

Senator Johnson offered the following amendment, which was read and adopted:

(1)

Amend the caption of the bill by adding at the close of the same the words "and declaring an emergency."

(2)

Amend House bill No. 892 by striking out Section 30 thereof and inserting in lieu thereof the following:

"Sec. 30. The crowded condition of the calendar, the near approach of the close of the Regular Session, and the further fact that under the present law the county commissioners of Baylor county are compelled to serve as road commissioners without any compensation whatever, constitutes an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted."

The bill was read second time and was passed to a third reading.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Astin.	Johnson.
Brelsford.	Kauffman.
Carter.	McNealus.
Collins.	Morrow.
Conner.	Murray.
Cowell.	Nugent.
Darwin.	Paulus.
Hudspeth.	Real.

Taylor.	Watson.
Terrell.	Weinert.
Townsend.	Westbrook.
Vaughan.	Wiley.
Warren.	Willacy.

Absent.

Bailey.	Greer.
Gibson.	McGregor.

Absent—Excused.

Lattimore.

The bill was read third time and was passed by the following vote:

Yeas—25.

Astin.	Paulus.
Brelsford.	Real.
Carter.	Taylor.
Collins.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
McNealus.	Westbrook.
Morrow.	Wiley.
Murray.	Willacy.
Nugent.	

Absent.

Bailey.	Greer.
Conner.	McGregor.
Gibson.	

Absent—Excused.

Lattimore.

Senator Johnson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 129.

(By Unanimous Consent.)

The Chair laid before the Senate, on third reading and regular order,

House bill No. 129, A bill to be entitled "An Act to provide for the teaching of cotton classing in the State normal schools, State industrial schools, summer normal schools, teachers' institutes and the public free schools, with certain exemptions, and providing for the method of procuring official types or standards, and the issuance of certificates of proficiency to those entitled to same."

The bill was read third time and was passed.

Senator Vaughan moved to reconsider

the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

### HOUSE BILL NO. 836.

(By Unanimous Consent.)

The Chair laid before the Senate, on third reading and regular order,

House bill No. 836, A bill to be entitled "An Act to amend Chapter 6, Article 7235, Revised Civil Statutes of State of Texas, 1911, giving Henderson county or any political subdivision or defined district, now or hereafter created, the right to vote a general stock law."

The bill was read and laid on the table subject to call.

### RECESS.

Senator McNealus, at 6:40 o'clock p. m., moved that the Senate adjourn until 8:30 o'clock tonight.

Senator Hudspeth moved, as a substitute, that the Senate recess until 8:30 o'clock tonight, which motion was adopted.

### AFTER RECESS.

(Night Session.)

The Senate was called to order by Lieutenant Governor Mayes.

### HOUSE BILL NO. 37.

The Chair laid before the Senate, on second reading,

House bill No. 37, A bill to be entitled "An Act to provide an adequate system of laws relating to irrigation and declaring the unappropriated waters of the State the property of the State; authorizing their appropriation, storage and diversion for beneficial uses; creating a board of water control and prescribing its powers, duties and compensation; defining water rights and prescribing the method of acquiring, perfecting and preserving same; requiring application to be made to the State Irrigation Engineer for permits to construct irrigation works and prescribing the method thereof; limiting the right to the waters of the State to beneficial uses, and declaring forfeiture for abandonment of use; prescribing standards for the measurement of water; provid-

ing a method for the adjudication of water rights by the board of water control; authorizing appeals from the decisions of the State Irrigation Engineer and of the board of water control regulating the manner thereof; prescribing the method of serving notices on claimants and appropriators of water and declaring the effects of failure to observe the same; authorizing the issuance of certificates of water right and the recording thereof; fixing certain fees; creating the office of water commissioner and prescribing the privileges, duties and compensation thereof; authorizing the appointment of special assistant engineers and prescribing their powers, duties and compensation; dividing the State into water divisions and water districts; prescribing the method for determining and recording titles to irrigation works, and establishing the period of limitation to quiet titles thereto; providing for the exclusion of fish from irrigation canals; regulating partnership ditches; conferring the right of eminent domain in aid of construction of irrigation works; prohibiting the seeding of Johnson grass or Russian thistle on irrigation canals; prescribing penalties for violation of the provisions of this act; requiring the capping of flowing artesian wells; authorizing the chartering of corporations to construct and operate irrigation works authorizing contracts for the supply and delivery of water, and creating liens to secure payment thereof; authorizing the acquisition of lands by irrigation companies, and requiring the alienation thereof; repealing all laws in conflict herewith, and declaring an emergency."

Pending.

### SENATE BILL NO. 193.

(Pending Business.)

Action recurred on the pending business, Senate bill No. 193, the question being on the pending amendment by Senator Watson to the substitute amendment by Senator Cowell.

Senator Hudspeth moved the previous question on the amendment and the bill, which motion being duly seconded, was so ordered.

Action then recurred on the amendment and Senator Collins had moved to table same, and the motion to table was lost.

The amendment by Senator Watson was adopted.

The bill was read second time and was ordered engrossed.

Senator Collins moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put on its third reading and final passage.

The motion was lost by the following vote, a four-fifths vote being necessary:

Yeas—18.

Brelsford.	Nugent.
Carter.	Real.
Collins.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Greer.	Warren.
Johnson.	Westbrook.
McNealus.	Wiley.
Morrow.	Willacy.

Nays—7.

Astin.	Paulus.
Bailey.	Watson.
Hudspeth.	Weinert.
Murray.	

Present—Not Voting.

Conner.

Absent.

Gibson.	McGregor.
Kauffman.	Vaughan.

Absent—Excused.

Lattimore.

HOUSE BILL NO. 354.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading.

House bill No. 354, A bill to be entitled "An Act amending Chapter 1, Title 10, Articles 135, 136, 142, 146, 150, 153, 155, 157, 158, 159, 161, 163 and 165 of the Revised Civil Statutes of the State of Texas, providing for the admission of patients into, and the discharge of patients from, the asylum, and providing for judicial proceedings in cases of lunacy, so as to make said articles applicable to habitual drunkards, and adding to said Chapter 1, Title 10, of the Revised Civil Statutes of Texas, Articles 166, 167 and 168, providing for the parole of habitual drunkards and the period of time that habitual drunkards shall be confined in the asylum, and declaring an emergency."

The committee report, which provided that the bill be not printed, but printed in the Journal, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Astin.	Murray.
Bailey.	Nugent.
Brelsford.	Paulus.
Carter.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Hudspeth.	Watson.
Kauffman.	Weinert.
McNealus.	Westbrook.
Morrow.	Willacy.

Nays—1.

Johnson.

Absent.

Gibson.

Vaughan.

Greer.

Wiley.

McGregor.

Absent—Excused.

Lattimore.

The bill was read third time and was passed.

Senator Terrell moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 59.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading and regular order,

House bill No. 59, A bill to be entitled "An Act to erect memorials to commemorate the unselfish devotion to duty, exalted patriotism and heroic services of Texas soldiers during the war between the States; to provide and create a commission to carry out the provisions of this act and to make appropriation therefor, and declaring an emergency."

On motion of Senator McNealus, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and was passed to a third reading.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Astin.	Paulus.
Bailey.	Real.
Brelsford.	Taylor.
Carter.	Terrell.
Collins.	Townsend.
Cowell.	Vaughan.
Darwin.	Warren.
Hudspeth.	Watson.
McNealus.	Weinert.
Murray.	Westbrook.
Nugent.	Willacy.

Nays—3.

Greer.	Morrow.
Johnson.	

Absent.

Conner.	McGregor.
Gibson.	Wiley.
Kauffman.	

Absent—Excused.

Lattimore.

The bill was read third time and was passed by the following vote:

Yeas—25.

Astin.	Nugent.
Bailey.	Paulus.
Brelsford.	Real.
Carter.	Taylor.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Vaughan.
Darwin.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McNealus.	Willacy.
Murray.	

Nays—2.

Greer.	Morrow.
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Absent.

Gibson.	Wiley.
McGregor.	

Absent—Excused.

Lattimore.

Senator McNealus moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 123.

(By Senator Conner.)

The Chair laid before the Senate, on second reading.

House bill No. 123, A bill to be entitled "An Act to authorize the commissioners courts of the several counties of Texas to create and establish irrigation districts, to construct reservoirs, dams, canals, laterals, ditches, and other incidental improvements necessary to irrigation systems; to order and hold elections for the purpose of voting on irrigation propositions, and authorizing the issuance of bonds and levy of tax, and to issue bonds in payment for such irrigation improvements and the maintenance thereof, and authorizing irrigation districts to levy assessments for the maintenance thereof, and to assess and collect taxes for the payment of the bonds issued, of interest thereon and the expenses of assessing and collecting such tax; to appoint irrigation commissioners and other necessary officers, engineers and employes of such district for the purpose of carrying into effect the provisions of this act; granting the right of eminent domain to such irrigation districts, and authorizing the irrigation commissioners to acquire by purchase, gift, grant or condemnation, for such district, the title to any right of way and other necessary property, and providing for the payment therefor; providing for the construction of reservoirs by such irrigation districts and by two or more of such districts acting together; providing for the acquiring of water rights by such irrigation districts; and providing for the distribution of water by such districts and the sale of water; and, generally, authorizing the county commissioners courts and irrigation districts acting through irrigation commissioners to do all things necessary for the establishing and maintenance of irrigation districts and the construction and maintenance of all necessary improvements and to levy assessments for the maintenance thereof; fixing a lien and penalty to enforce the collection of assessments; providing that suits contesting the formation of irrigation districts or bonds issued thereby shall be instituted in the name of the State of Texas, by the Attorney General; repealing an act of the Twentieth Legislature, being Chapter 50, Acts of 1905, and declaring an emergency."

The committee report with (committee) amendments was read and adopted.

Senator Conner offered the following amendments, severally, which were read and adopted:

(1)

Amend the bill, page 31, line 3, Section 4, after the word "order," by inserting the words "granting or," and in line 5 on page 31 after the word "more" insert the following: "of them or any one owning lands situated in such proposed district."

(2)

Amend the bill, page 64, line 12, Section 95, by adding the following: "In the event said board of directors in the utilization of the water shall sell or lease any water right for any other purpose than irrigation said contract shall be so conditioned and restricted as to be subservient to the use of water for irrigation."

The bill was read second time and passed to a third reading.

On motion of Senator Conner, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Astin.	Murray.
Bailey.	Nugent.
Brelsford.	Paulus.
Carter.	Real.
Collins.	Taylor.
Conner.	Townsend.
Cowell.	Vaughan.
Darwin.	Warren.
Hudspeth.	Watson.
Kauffman.	Weinert.
McNealus.	Westbrook.
Morrow.	Willacy.

Present—Not Voting.

Greer.

Absent.

Gibson.	Terrell.
Johnson.	Wiley.
McGregor.	

Absent—Excused.

Lattimore.

The bill was read third time and was passed by the following vote:

Yeas—23.

Astin.	Cowell.
Bailey.	Darwin.
Brelsford.	Hudspeth.
Carter.	Johnson.
Collins.	Kauffman.
Conner.	McNealus.

Morrow.	Vaughan.
Murray.	Warren.
Nugent.	Watson.
Paulus.	Weinert.
Real.	Willacy.
Taylor.	

Nays—2.

Townsend.	Westbrook.
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Present—Not Voting.

Greer.

Absent.

Gibson.	Terrell.
McGregor.	Wiley.

Absent—Excused.

Lattimore.

Senator Conner moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

#### REASON FOR VOTING.

I vote "no" on the bill, as the bill has not been printed, and, being unable to secure copy of same for examination, I do not care to vote for it.

TOWNSEND.

#### HOUSE BILL NO. 443—REQUEST FOR RETURN.

Senator Johnson made the following motion:

I move that the Senate request the House to return to the Senate for correction House bill No. 443.

The resolution was read and adopted.

#### SENATE BILL NO. 181.

(By Senator Cowell.)

The Chair laid before the Senate, on third reading,

Senate bill No. 181, A bill to be entitled "An Act to amend Article 3878 of an act entitled 'Fees of Notaries Public,' Chapter 3, Title 58 of the Revised Civil Statutes of Texas, 1911, fixing fees of notaries public for protesting bills or notes, issuing notice, giving certificates, taking acknowledgments, making copies, taking depositions and administering oaths."

The bill was read third time and passed.

Senator Cowell moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 155.

(By Senator Darwin.)

The Chair laid before the Senate, on second reading,

Senate bill No. 155, A bill to be entitled "An Act to provide for the regulation and supervision of every corporation, company, co-partnership or association which shall hereafter be organized within or without the State of Texas, whether incorporated or unincorporated, which shall in this State sell or negotiate for the sale of any stocks, bonds or other evidences of property or interest in itself or any other company, upon which sale or proposed sale the whole or any part of the proceeds are used, or to be used, directly or indirectly, for the payment of any commission or other expenses incidental to the organization or promotions or other expenses incidental to the organization or promotion of any such company, corporation, co-partnership or association, and providing penalties for the violation thereof, and declaring an emergency."

The committee report, recommending a substitute bill, was adopted.

Senator Darwin offered the following amendments, severally, which were read and adopted:

(1)

Amend the bill, page 11, line 13, by inserting between the words "cent" and "of," the words "of purchase price."

(2)

Amend the bill, page 17, line 14, by adding after the word "fund" the following: "for the maintenance of the Department of Banking and Insurance."

The bill was read second time and was ordered engrossed.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	Kauffman.
Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Murray.
Collins.	Nugent.
Conner.	Paulus.
Cowell.	Real.
Darwin.	Taylor.
Greer.	Terrell.
Hudspeth.	Townsend.
Johnson.	Vaughan.

Warren.  
Watson.  
Weinert.

Westbrook.  
Willacy.

Absent.

Gibson.  
McGregor.

Wiley.

Absent—Excused.

Lattimore.

The bill was read third time and was passed by the following vote:

Yeas—23.

Astin  
Bailey.  
Brelsford.  
Carter.  
Collins.  
Conner.  
Cowell.  
Darwin.  
Greer.  
Hudspeth.  
Kauffman.  
Murray.

Nugent.  
Paulus.  
Real.  
Taylor.  
Terrell.  
Townsend.  
Vaughan.  
Warren.  
Weinert.  
Westbrook.  
Willacy.

Nays—2.

McNealus.

Watson.

Absent.

Gibson.  
Johnson.  
McGregor.

Morrow.  
Wiley.

Absent—Excused.

Lattimore.

Senator Darwin moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 292.

(By Senator Greer.)

The Chair laid before the Senate, on second reading,

Senate bill No. 292, A bill to be entitled "An Act to prevent the taking and using of bicycles, automobiles and other motor vehicles, and the theft of same or any part thereof, or the disfiguring, damaging or in any way impairing any bicycle or other motor vehicle, and to prevent any person from knowingly purchasing any stolen bicycle or other motor vehicle, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be

read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Astin.	Murray.
Bailey.	Paulus.
Brelsford.	Real.
Carter.	Taylor.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Kauffman.	Weinert.
McNealus.	Westbrook.
Morrow.	Willacy.

## Absent.

Darwin.	McGregor.
Gibson.	Nugent.
Johnson.	Wiley.

## Absent—Excused.

Lattimore.

The bill was read third time and was finally passed.

Senator Hudspeth moved to reconsider the vote by which the bill was tabled.

The motion to table prevailed.

## SENATE BILL NO. 438.

(By Senator Hudspeth.)

The Chair laid before the Senate, on second reading,

Senate bill No. 438, A bill to be entitled "An Act to amend paragraph 4862, Title 71, Chapter 8, of the Revised Civil Statutes of the State pertaining to insurance."

The bill was read second time and was passed to engrossment.

Senator Hudspeth moved to rescind the vote by which the bill was engrossed, which motion prevailed.

Senator Hudspeth presented the following amendment, which was read and adopted:

Amend the caption by adding at the end thereof the following: "and declaring an emergency."

The bill was read second time and was passed to engrossment.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read three several days was suspended

and the bill put on its third reading and final passage by the following vote:

## Yeas—28.

Astin.	Murray.
Bailey.	Nugent.
Brelsford.	Paulus.
Carter.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McNealus.	Wiley.
Morrow.	Willacy.

## Absent.

Gibson.	McGregor.
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## Absent—Excused.

Lattimore.

Senator Hudspeth moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 199.

Senator Kauffman called from the table,

House bill No. 199, A bill to be entitled "An Act relating to the filing and recording of instruments of writing, heretofore and hereafter recorded, and the effect thereof, and validating defective certificates of acknowledgement."

The question being on the adoption of the following amendment by Senator Vaughan:

Amend the bill by adding at the close of the last section the following:

"Provided, this act shall not validate any past transaction, nor make valid any past acknowledgment or any title which would be defective but for this act."

Senator Willacy offered the following substitute for pending amendment:

Amend the printed bill by adding to the end of Section 3 the following:

"Provided, that the provisions of this act shall apply only to such grants or instruments of writing, which shall have been of record for a period of not less than ten years prior to the taking effect of this act."

Senator Collins moved to table the substitute, which motion prevailed by the following vote:

## Yeas—14.

Bailey.	Murray.
Carter.	Townsend.
Collins.	Vaughan.
Darwin.	Warren.
Johnson.	Weinert.
McNealus.	Westbrook.
Morrow.	Wiley.

## Nays—10.

Astin.	Paulus.
Brelsford.	Real.
Hudspeth.	Taylor.
Kauffman.	Watson.
Nugent.	Willacy.

## Present—Not Voting.

Cowell.

## Absent.

Conner.	McGregor.
Gibson.	Terrell.
Greer.	

## Absent—Excused.

Lattimore.

The amendment offered by Senator Vaughan was adopted.

## REFUSED TO ADJOURN.

At 11 o'clock, Senator Taylor moved to adjourn until 10 o'clock Saturday morning, which was lost by the following vote:

## Yeas—10.

Astin.	Paulus.
Brelsford.	Real.
Cowell.	Taylor.
Kauffman.	Watson.
Nugent.	Willacy.

## Nays—15.

Bailey.	Murray.
Carter.	Townsend.
Collins.	Vaughan.
Darwin.	Warren.
Hudspeth.	Weinert.
Johnson.	Westbrook.
McNealus.	Wiley.
Morrow.	

## Absent.

Conner.	McGregor.
Gibson.	Terrell.
Greer.	

## Absent—Excused.

Lattimore.

Senator Hudspeth presented the following amendment to House bill No. 199:

Amend the bill by adding after the word "laws" in line 24, page 1, the following: "Provided, that the provisions of this act shall not apply to any defective acknowledgment unless the title is in the possession of the original purchaser of said property."

The amendment was read and lost.

Senator Morrow offered the following amendment:

Amend the bill by adding Section 3a as follows:

"Sec. 3a. None of the provisions of this act shall be construed to authorize the registration of instruments which have no certificate of acknowledgment made by some officer authorized by existing law to take acknowledgments, and this record, registration, recorded instrument shall not be held to include any instrument or record to which there is attached no such certificate of acknowledgment."

The amendment was read and adopted.

Senator Townsend offered the following amendment, which was read and adopted:

Amend the bill on page 1 by striking out line 16 of said page.

## ADJOURNMENT.

On motion of Senator McNealus, the Senate, at 11:25 o'clock p. m., adjourned until 10 o'clock Saturday morning, March 29, 1913.

## APPENDIX.

## BILLS AND RESOLUTIONS SIGNED.

The Chair, Lieutenant Governor Maves, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

Senate bill No. 309. "An Act to exempt from taxation the buildings and other property owned and operated by the Young Men's Christian Associations and the Y. W. C. A. where such property is used exclusively for furthering the interests of religious work and not for profit, and where such associations are operated with the approval and co-operation of the State and International Young Men's Christian Association Committees and the Young Woman's Christian Association Committees, and in ac-

cord with the provisions and purposes of association in furthering religious work."

Senate bill No. 72, "An Act to amend Article 5644, Chapter 4, Title 68, Revised Statutes, of 1911, General Laws of 1897, Acts of Twenty-sixth Legislature, same being 'An Act to protect accountants, mill bookkeepers, artisans, craftsmen, factory operatives, mill operatives, servants, mechanics, quarrymen, common laborers and farm hands; to provide a lien, and prescribe the time of payments, and in lawful money of the United States; and prescribing the rights of the assignees of such persons,' etc., by adding to the kind of character of such laborers or persons 'all laborers who may perform any service in like manner in the cutting, preparation, handling, hauling or transporting to any mill or other point for sale, manufacture or other disposition logs or other timber, and all laborers who may in like manner perform any service upon any wagons, carts, tram or railroad, or other means or method of transporting such logs or timber, and in the construction or maintenance of such tram or railroad, constructed or used for the transportation of logs or timber to or for such mill or its owner or operator, or to points for sale, shipment or other disposition, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate Concurrent Resolution No. 13, validating certain land titles.

Senate bill No. 114, "An Act to exempt from the provisions of Chapter 76, of the General Laws of the State of Texas, passed by the Thirty-second Legislature at its Regular Session, entitled 'An Act to regulate the practice of veterinary medicine, surgery and dentistry, creating a board for the examination of applicants for the practice of veterinary medicine, surgery and dentistry; prescribing their powers, duties and qualifications; said board to be known as the State Board of Veterinary Medical Examiners; prescribing penalties for a violation of the provisions of this act, and declaring an emergency,' all of those who had been for three years before said act went into effect regularly engaged in the counties of their residence in the practice of veterinary medicine, surgery and dentistry, and declaring an emergency."

Senate bill No. 230, "An Act to amend Article 1827, Article 1828, Article 1829 and Article 1902 of the Revised Statutes of the State of Texas of 1911, relating to the manner of pleading in district and county courts of the State of Texas,

and adding Articles 1829a and Article 1829b, providing for the verification of pleadings."

Substitute for Senate bill No. 129, "An Act to provide that owners of public free school land purchased from the State of Texas after January 1, 1907, and prior to January 1, 1913, on condition of settlement and residence which land may hereafter be forfeited for non-payment of interest as now provided by law, provided said forfeiture was caused by reason of interest accrued or accruing prior to the taking effect of this act shall have the right to repurchase a complement of sections of said land as now provided by law and leaving any lien and valid contractual right existing in and to the land so repurchased unimpaired, providing for the creation of a commission to re-value such land as may be desired to be repurchased under this act, and declaring an emergency."

Senate bill No. 63, "An Act to amend Section 9, Chapter 30, of the General Laws of the State of Texas, passed by the Thirty-first Legislature (1909), at the Regular Session, approved April 21, 1909, relating to the Texas State Board of Health, Vital Statistics, and to add to said chapter, Section 10a; establishing charbon districts; providing that persons residing therein shall report all animals suffering with charbon or supposed to have such disease to the county health officer, who shall report same to the State Board of Health, and providing for practicing physicians to report all persons suffering with said disease; and providing for the employment of a chemist and bacteriologist where charbon is prevalent, for the purpose of combating with said disease; and providing for the State Board of Health or one who is under them, to visit all stock reported to have charbon; and providing for the isolation of same and for the isolation of all stock exposed to said disease, and authority to destroy infected stock, and providing for the destruction of the carcasses of stock dying from charbon, or supposed to have died from same, and prohibiting certain stock from running at large between the first day of May and the first day of October in any county where charbon is prevalent or where same may become prevalent; and providing for the prohibiting of such stock in counties and subdivisions thereof where charbon is prevalent or where same may become prevalent, from running at large in such counties or subdivisions thereof, to be determined by election, by the qualified voters of such

counties, providing the manner of holding such election, regulating the terms and conditions thereof, and the carrying into effect of such election so to be held; and providing adequate penalties for enforcing such law, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

House bill No. 762, "An Act to create a special and more efficient road system for Collin county, in the State of Texas, and declaring an emergency."

House bill No. 398, "An Act to authorize the Texas & New Orleans Railroad Company to purchase, own and operate the railroad of the Burr's Ferry, Brown-dell & Chester Railway Company, with the franchises and other properties thereunto appertaining; and to authorize the said Burr's Ferry, Brown-dell & Chester Railway Company to sell the same; and to authorize the Texas & New Orleans Railroad Company to issue additional mortgage bonds to the amount of the value of the railroad, franchises and appurtenances so purchased as fixed, or as the same may be fixed, by the Railroad Commission of Texas; and to regulate the reports of the operations of such properties."

House bill No. 654, "An Act to amend Sections 2 and 6 of Chapter 36 of the Local and Special Laws of the Regular Session of the Thirty-first Legislature of the State of Texas, entitled 'An Act to validate the Wichita Falls Independent School District, in Wichita county, Texas, incorporated,' etc."

House bill No. 774, "An Act to amend Section 1 of Chapter 49 of the Acts of the Twenty-seventh Legislature, creating a more efficient road system for Fayette, Uvalde and Frio counties, as amended by the Thirty-third Legislature by House bill No. 188, which became a law February 25, 1913, so as to apply to Dimmit county."

House bill No. 795, "An Act to repeal Chapter 93, of the Special Laws of the State of Texas, passed by the Thirtieth Legislature approved April 17, 1907, so far as same applies to Jasper county, and to repeal Chapter 95 of the Special Laws of the State of Texas, passed by the Thirty-first Legislature, approved March 16, 1909, and providing that the general road law of the State of Texas shall be in effect in Jasper county."

House bill No. 800, "An Act to create a more efficient road law for Jackson county; fixing the per diem of the members of the commissioners court when acting as road commissioners; prescribing an allowance for team hire for mem-

bers of said court; providing a road tax; fixing the fees of county clerk and justices of the peace in convict cases; and declaring an emergency."

House bill No. 828, "An Act to amend Section 16, of Chapter 21, of the Local and Special Laws of the Thirty-first Legislature, Regular Session, approved March 8, 1909, entitled 'An Act to repeal Chapter 31 of the Local and Special Laws of the Thirtieth Legislature of Texas, creating a special road system for Williamson county, Texas,' and declaring an emergency."

House bill No. 810, "An Act providing for a special road law for the maintenance of the public roads in Titus county."

House bill No. 819, "An Act to amend Section 2, Chapter 78 of the General Laws of the Regular Session of the Thirtieth Legislature relating to the taking of fish as amended by Chapter 49 of the General Laws of the Regular Session of the Thirty-first Legislature. The purpose of the amendment being to strike from the list of counties exempted by the provisions of said Section 2, Wood county, and declaring an emergency."

House bill No. 805, "An Act to provide compensation for the county commissioner and county judge of Galveston county and to provide payment therefor, and declaring an emergency."

House bill No. 746, "An Act to authorize and empower Bowie county, or any portion of said county, by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county, or portion thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such portion of such county, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of laying out, constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

House bill No. 745, "An Act to confer upon the county court of Harrison county the civil jurisdiction belonging to said court under the Constitution and General Statutes of Texas, to define the civil jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding said court, and to repeal all laws in conflict with this act, and declaring an emergency."

House bill No. 689, "An Act to create a more efficient road system for Cameron county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers and defining their duties, and for the working of county convicts on the public roads of said county, and providing for officers' fees, and rewards and penalties for said convicts and rewards for the capture of escaped convicts, and to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 668, "An Act to create a special game law for Smith county, Texas; prohibiting the killing of wild duck, quail and squirrels under certain limitations; providing penalties for violating the provisions of this act; fixing the time when this act shall take effect, and repealing all laws and parts of laws in conflict herewith."

House bill No. 648, "An Act to validate the corporation of the town of Ruak, and all lawful acts done by said town since its attempt to incorporate at an election held on the 23d day of September, A. D. 1904; to validate the election of waterworks bonds held February 14, A. D. 1911."

House bill No. 572, "An Act to redefine the boundaries of Strawn Independent School District, to validate the incorporation thereof, and declaring an emergency."

House bill No. 448, "An Act to repeal Article 551, Title 2, Chapter 4, of the Revised Criminal Statutes of Texas, 1911, and to re-number Article 558, and declaring an emergency."

House bill No. 407, "An Act creating an independent school district in the counties of Freestone and Navarro, State of Texas, to be known as the Streetman Independent School District; providing for the election of a board of trustees therefor, said district and the trustees thereof to have all the rights, powers, duties and privileges granted and imposed under the General Laws of the State to incorporations for free school purposes only, and the trustees thereof, and especially those powers, duties, privileges and rights mentioned in Chapters 16 and 18, Title 48, of the Revised Civil Statutes of 1911, and of Chapter 100, of the General Laws of the Thirty-second Legislature, and declaring an emergency."

House bill No. 281, "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed, or about to fail, to construct their roads and branches, or any part thereof, within the time required by law, and declaring an emergency."

House bill No. 117, "An Act to amend Articles 940, 941, 943, as amended by the Act of April 30, 1901, and 946 of the Revised Statutes, defining the original and appellate jurisdiction of the Supreme Court, and regulating practice therein."

#### BILLS SIGNED.

(Signed on March 28.)

House bill No. 35, "An Act to authorize the Prison Commission to issue \$2,000,000 in bonds, bearing interest at 5 per cent per annum; to provide for the redemption of sale of said bonds; to provide for a lien upon the properties of the penitentiary system to secure said bonds; to provide for the payment of the debts of penitentiary system; to provide for funds for the erection of buildings, for the purchase of lands, machinery, tools and supplies, and the establishment of factories provided for by the act of the Legislature, approved the 17th day of September, 1910; to provide funds for the operation of the penitentiary system during the years 1913 and 1914; to provide that this act shall be cumulative of all other laws, and declaring an emergency."

House bill No. 873, "An Act creating a more efficient road system for Upshur county, Texas; prescribing the powers and duties of the county commissioners court with reference to public roads; making members of the commissioners court ex-officio road superintendents of their respective precincts; and defining and prescribing their powers and duties as such; prescribing the powers and duties of road overseers, designating who are liable to road service, prescribing their duties and privileges, prescribing additional revenue for the maintenance of roads by additional ad valorem tax and issuance of bonds for road and bridge purposes, prescribing how road and bridge funds shall be expended; prescribing penalties for the violation of the provisions of this act; providing that this act be cumulative of all laws on the subject of roads and bridges, and that it be taken notice of by the courts as all other general

laws of the State; repealing all laws in conflict, and declaring an emergency."

House bill No. 869, "An Act to incorporate the Fruitvale Independent School District in Van Zandt county for free school purposes only; describing its boundaries, providing for a board of school trustees for the control and management of the said independent school district, prescribing the rights, powers, privileges and duties of the said Fruitvale Independent School District, its board of school trustees, providing for a treasurer of school funds of the district, and declaring an emergency."

House bill No. 771, "An Act to amend Section 9, Chapter 72, Laws of 1901, entitled 'An Act to create a more efficient road system for Karnes county, Texas,' and declaring an emergency."

House bill No. 739, "An Act to authorize and empower Falls county, or any political subdivision of said county, by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county, or of such political subdivision of such county, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

House bill No. 722, "An Act to create a more efficient road system for Madison county, Texas."

House bill No. 665, "An Act creating an independent school district to be known as the Rockwall Independent School District, and prescribing the metes and bounds of same, and providing for the creation of a board of trustees to levy, assess and collect special taxes and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within said district, to refund and take up any indebtedness and outstanding bonds or contracts of the common school district included in the territory herein described, and to pay current expenses in the maintenance and support of said schools, and further pre-

scribing the duties and authority of said board of trustees."

House bill No. 564, "An Act to authorize and empower Zavala county, or any political subdivision or other defined district of said county, by a vote of two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of such county or political subdivision or defined district of the county to issue bonds or otherwise lend its credit in any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision or defined district thereof, and to levy and collect taxes to pay the interest on said bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled, paved and clayed, sand or sanded clay roads or in aid thereof; to construct bridges, creating road districts making them bodies corporate, creating the office of road superintendent, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

House bill No. 149, "An Act to amend Article 1954, Chapter 12, Title 37, and Articles 1970, 1971, 1972, 1973 and 1974 of Chapter 12, Title 37, and Article 2061 of Chapter 19, Title 37, of the Revised Civil Statutes of the State of Texas, 1911, relating to charges and instructions to the jury and prescribing the time when a charge of the court and special charges may be read to the jury, the requirements of such charges and the manner and necessity of excepting to such charges, and to repeal all laws and parts of laws in conflict therewith."

House bill No. 103, "An Act to authorize the Governor of Texas to purchase the La Bahia Mission property near Goliad; to authorize the Governor of Texas to accept from the owner the land in Goliad county upon which Colonel Fannin's men were massacred in the war for the independence of Texas; also to authorize the Governor of Texas to accept land from the owner of what is known as Fannin's battlefield ground in Goliad county, and to make an appropriation to pay for and improve the grounds herein authorized to be purchased and accepted as a gift."

House bill No. 25, "An Act to amend Sections 1 and 15 of Chapter 118 of the Acts of the Regular Session of the Thirty-first Legislature, adopted in 1909, providing that aid may be granted to disabled and dependent Confederate sol-

diers, sailors and their widows under certain conditions, and to levy a tax of five cents on the one hundred dollars' valuation, to provide a fund for the payment of pensions for services in the Confederate army and navy, frontier organizations and the militia of the State of Texas, and for the widows of such soldiers and sailors and the establishment and maintenance of a home or homes for such disabled and dependent soldiers and sailors, their wives and widows and women who aided the Confederacy, and declaring an emergency."

#### COMMITTEE REPORTS.

(Floor Reports.)

Austin, Texas, March 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

House bill No. 59, A bill to be entitled "An Act to erect memorials to commemorate the unselfish devotion to duty, exalted patriotism, and heroic services of the Texas soldiers during the war between the States; to provide and create a commission to carry out the provisions of this act and to make an appropriation therefor and declaring an emergency."

Have had the same under consideration, and beg leave to report that the same do pass, and be not printed.

Willacy, Chairman; Cowell, Brelsford, Astin, Johnson, Taylor, McGregor, Wiley, Warren.

Austin, Texas, March 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 892, A bill to be entitled "An Act to create a road commission for Baylor county by making the members of the commissioners court ex-officio members of said commission and defining duties, powers, salaries and qualifications of the same, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Townsend, Taylor, McNealus.

Austin, Texas, March 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 492, A bill to be entitled "An Act to amend Article 6901 of the Revised Civil Statutes of 1911 of the State of Texas, relating to the duties and compensation of county commissioners when constituted and acting as supervisors of public roads, and providing for an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Morrow, Chairman; Paulus, Hudspeth, Greer, Brelsford, Wiley, Watson.

Austin, Texas, March 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House bill No. 229, A bill to be entitled "An Act to amend Article 3903, Chapter 4, Title 58, of the Revised Civil Statutes of 1911 of the State of Texas, relating to the appointment by certain officers named in Articles 3881 to 3886 of the Revised Civil Statutes of deputies or assistants in the performance of the duties of such officers where such assistants or deputies are necessary for the efficiency of the public service; providing for an application to be made by such officers to the county judge of the county for authority to appoint same; prescribing the issuance by the county judge of an order authorizing the appointment of such deputies or assistants; providing that the officer desiring such deputies or assistants shall make affidavit that such assistants or deputies are necessary for the efficiency of the public service; providing for the salary of the chief deputy and of the other deputies or assistants; providing that the order of the county judge granting such authority shall state the number of deputies or assistants and the amount to be paid to each by such officers desiring their appointment; providing for the maximum amount allowed for deputies in counties having a population of 37,500 or more, and to declare an emergency."

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Brelsford, Chairman; Darwin, Terrell, Gibson, Watson.

Austin, Texas, March 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 493, A bill to be entitled "An Act to amend Subdivision 60, of Article 1121, of Chapter 2, of Title 25, of the Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirty-second Legislature, as amended at the Regular Session of the Thirty-third Legislature, authorizing the formation of corporations for the constructing and operation of inter-urban electric, gas or gasoline, denatured alcohol or naphtha motor railways, with power to own, construct and operate union depots and office buildings, and declaring an emergency,"

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Kauffman, Chairman; Taylor, Cowell, Hudspeth, McNealus, Collins, McGregor, Bailey, Johnson, Nugent.

Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 489, A bill to be entitled "An Act to amend Article 3876 of the Revised Civil Statutes of the State of Texas, of 1911, Title 58, Chapter 3, relating to the fees of district and county surveyors,"

Have had the same under consideration, and we beg leave to report the same back to the Senate with the recommendation that it do pass, but be not printed.

Brelsford, Chairman; Darwin, Gibson, Terrell, Westbrook, Watson.

Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 491, A bill to be entitled "An Act to authorize and empower Fayette county or any political subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of

such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption therefor, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing and supervising said work, and providing a method of making up tax rolls and for deposit and disbursement of said funds and regulation of traffic on said roads, and declaring an emergency,"

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Terrell, Chairman; Weinert, Morrow, Westbrook, McNealus, Townsend.

Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

House bill No. 704, A bill to be entitled "An Act to appropriate the sum of seven thousand five hundred dollars for the construction of one 50,000-gallon steel tank; to complete sewerage connection to Manual Arts Building with city sewer system, and repair to roof trusses, and roof on the main building of the Southwest Texas State Normal School at San Marcos, and declaring an emergency,"

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass, and be not printed.

McGregor, Warren, Collins, Johnson, Taylor, Cowell, Real, Willacy, Weinert, Wiley, Murray, Astin, Nugent.

Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

House bill No. 370, A bill to be entitled "An Act making an appropriation to make necessary repairs on the roof of the Capitol, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

Strike out the words "seven thousand

five hundred dollars," and insert in lieu thereof "five thousand five hundred dollars."

We further recommend that said bill be not printed.

Willacy, Chairman; McGregor, Warren, Collins, Johnson, Taylor, Cowell, Real, Weinert, Wiley, Murray, Astin, Nugent.

Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

House bill No. 800, A bill to be entitled "An Act creating the Willow Grove Independent School District, situated in Bell and McLennan counties; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the General Laws; providing for a board of trustees thereof, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

JOHNSON, Acting Chairman.

Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

House bill No. 581, A bill to be entitled "An Act to validate all sales made of, and patents issued by the State of Texas, to public school lands sold under the act of the Legislature of the State of Texas, approved July 18, 1879, prior to the first day of October, 1883, with limitations, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Murray, Chairman; Collins, Wiley, Brelsford, Nugent.

Committee Room,

Austin, Texas, March 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

House bill No. 898, A bill to be entitled "An Act to amend an act of the Twenty-eighth Legislature of the State of Texas,

entitled 'An Act to incorporate the city of Corsicana, in Navarro county, Texas, and to fix the boundaries thereof, and to provide for its government, and the management of its affairs,' by amending Sections 66, 67, 68, 69, 70, 71, and 183 thereof, and repealing all parts of acts in conflict herewith, so as to authorize the said city of Corsicana to construct permanent improvements of streets, highways, alleys, public places or squares, or any part thereof, and assess part of the cost thereof against the owners of property abutting such improvements and their property and to fix a lien thereon, and to assess a part of the cost of said improvement against the owners of railroads or street railroads occupying streets, allies or highways improved and their property, and to provide for affixing a lien thereon and their property, and to provide for the enforcement and collection of such assessment, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same with the recommendation that it do pass, and be not printed.

CARTER, Chairman.

Committee Room,

Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 486, A bill to be entitled "An Act to amend Article 632, Title 18, Chapter 2, of the Revised Civil Statutes of the State of Texas, relating to the issuance of road bonds and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment, and be not printed.

#### Amendment.

Amend by striking out the word "more" (where it first occurs) and insert in lieu thereof the word "less." And insert after the word "years" in the same line the words: "nor more than forty years," and after the word "bonds" in line 4, Article 632, add the following: "or, said bonds at the option of the commissioners court, may be made to run for any fixed number of years, not exceeding forty years."

TERRELL, Chairman.

Committee Room,  
Austin, Texas, March 27, 1913.  
Hon. Will H. Mayes, President of the  
Senate.

Sir: Your Committee on Roads,  
Bridges and Ferries, to whom was referred

House bill No. 864, A bill to be entitled  
"An Act to amend Section 2 of Chapter  
39, Special Laws of 1903, entitled 'An  
Act to create a more efficient road sys-  
tem for Nacogdoches county', wherein  
said act prescribe the time for the ap-  
pointment of road overseers in said  
county,"

Have had the same under considera-  
tion and I am instructed to report the  
same back to the Senate with the recom-  
mendation that it do pass, and be not  
printed.

TERRELL, Chairman.

Committee Room,  
Austin, Texas, March 27, 1913.  
Hon. Will H. Mayes, President of the  
Senate.

Sir: Your Committee on Constitu-  
tional Amendments, to whom was re-  
ferred Senate Joint Resolution No. 27  
have had the same under consideration,  
and I am instructed to report the same  
back to the Senate with the recommenda-  
tion that it do pass, and be printed in  
the Journal, and not otherwise.

Senate Joint Resolution No. 27, A  
joint resolution proposing and submit-  
ting to a vote of the people of Texas an  
amendment to Section 49 of Article 3 of  
the Constitution of the State of Texas,  
authorizing the purchase of lands by the  
State for the purpose of sale to actual  
settlers.

Be it resolved by the Legislature of  
the State of Texas, That Section 49 of  
Article 3 of the Constitution of the  
State of Texas be amended by adding  
thereto the following:

"Provided, the State may, by appro-  
priate legislation, provide funds by is-  
suing bonds, for the purchase of lands  
to be sold by the State to actual settlers  
for the purpose of establishing homes  
thereon; provided, no land so purchased  
shall ever be sold in tracts exceeding  
two hundred acres to one purchaser; and  
provided further, every such purchaser  
shall, in good faith, acquire such land  
for the purpose of making his home on  
such land for at least three years next  
after his purchase thereof; and pro-  
vided further, that the Legislature shall  
fix the terms on which such lands shall  
be acquired and the kind of tenure or

title, and the conditions of occupancy  
and use on which lands shall be held,  
and the rights and burdens of those  
holding same, all of which shall be un-  
der absolute legislative control."

Sec. 2. The foregoing amendment to  
Section 49, Article 3, of the Constitution  
of the State of Texas shall be submitted  
to the qualified electors of this State for  
its adoption or rejection at the general  
election in November, 1914, or any other  
State-wide election which may be held  
before said date. All voters voting on  
this proposed amendment at said elec-  
tion, who favor its adoption, shall have  
printed or written on their ballots the  
following: "For amendment to Section  
49, Article 3, of the Constitution, author-  
izing the purchase of lands by the State,  
to be sold to actual settlers for home-  
steads." Those voting against its adop-  
tion shall have printed or written on  
their ballots the following: "Against  
the amendment to Section 49, Article 3,  
of the Constitution, authorizing the pur-  
chase of lands by the State to be sold  
to actual settlers for homesteads." Pre-  
vious to this election the Secretary of  
State shall cause to be printed and for-  
warded to the county judge of each  
county for use in said election a suf-  
ficient number of ballots for the use of  
the voters in each county, on which he  
shall have printed the form of the bal-  
lot herein prescribed, for the con-  
venient use of the voters.

Sec. 3. The Governor of the State is  
hereby directed to issue his necessary  
proclamation submitting this amend-  
ment, and have same published as re-  
quired by the Constitution and laws of  
this State. The sum of five thousand  
(\$5,000) dollars, or so much thereof  
as may be necessary, is hereby appro-  
priated out of any funds in the State  
Treasury not otherwise appropriated, to  
defray the expenses of publishing said  
proclamation and printing of tickets and  
necessary blanks for use in said election.

VAUGHAN, Chairman.

\* Committee Room,  
Austin, Texas, March 28, 1913.  
Hon. Will H. Mayes, President of the  
Senate.

Sir: Your Committee on Counties and  
County Boundaries, to whom was re-  
ferred

House bill No. 191, A bill to be entitled  
"An Act to create and establish the  
county of Jim Hogg out of territory  
taken from the existing counties of  
Brooks and Duval; prescribing its area  
and boundaries; appointing commission-

ers to organize said county, and prescribing their duties; providing for a division of said county into commissioners' and justices' precincts; providing for the holding of county and precinct elections for the election of county and precinct officers, and for the location of the county seat of said county; providing for the attaching of said county to judicial, Representative, Senatorial and Congressional districts, and Supreme judicial district; providing for the assessment and collection of taxes, for the defraying of the expenses of organizing said county, and for the payment of the proportion of the liabilities of the counties of Duval and Brooks, chargeable, respectively, on the territory taken from them and defining such liabilities, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

JOHNSON, Chairman.

Committee Room,

Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Labor, to whom was referred

Senate bill No. 30, A bill to be entitled "An Act to regulate the hours and safeguard the health of females employed in any manufacturing, mechanical or mercantile establishment or workshop, laundry, printing office, dressmaking or millinery establishment, hotel, restaurant or theater or telegraph or telephone establishment and office, and to require all persons employing any females to provide suitable seats for such female and permit her to use the same at such time as he is not engaged in the active performance of her duties as such employe, and providing a penalty for the violation thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

TAYLOR, Chairman.

Committee Room,

Austin, Texas, March 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 219, A bill to be entitled

"An Act relating to the incorporation, operation and supervision of State banks, trust companies, savings banks and bank and trust companies, amending Article 384, Revised Statutes and providing the amount of capital stock of trust companies or bank and trust companies; repealing subdivision 11, of Article 385, providing for the making of the report of the condition of State banks, trust companies, savings banks and bank and trust companies, to the Commissioner of Insurance and Banking, giving the Commissioner of Insurance and Banking power to prescribe the forms to be used in making such reports, providing a penalty for failure to make such report within ten days, giving power to the Commissioner of Insurance and Banking to recover such penalty upon refusal of payment by State banks, trust companies, savings banks and bank and trust companies, fixing the venue of suits to recover such penalties and directing the disposition of the penalties so collected; prescribing who shall not act as proxy for shareholders of any State bank, trust company, savings banks and bank and trust company, prescribing the number of votes each shareholder shall have, and disqualifying certain shareholders from voting at shareholders' meetings; prescribing certain titles of State banks, trust companies, savings banks and bank and trust companies which shall not be used, in granting power to Commissioner of Banking to approve or reject the title sought to be used for any State bank, trust company, and repealing all laws and parts of laws in conflict therewith,"

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 470, A bill to be entitled "An Act to amend Section 1 of Chapter 24 of the Acts of the Thirty-second Legislature entitled 'An Act to diminish the civil and criminal jurisdiction of the county court of Kendall county; to conform the jurisdiction of the district courts thereto, and to repeal all laws in conflict therewith, and declaring an emergency,' so as to confer upon the county court of Kendall county of all cases or matters of eminent domain, and

to repeal all laws in conflict therewith, and declaring an emergency."

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution No. 15, Proposing to amend Article 16, Section 58 of the State Constitution creating the office of Prison Commissioners, and making the term of office of the members of the Board of Prison Commissioners six years, to be elective,

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution No. 26, A joint resolution "proposing an amendment to Section 24 of Article 3, of the Constitution of the State of Texas, relating to compensation for members of the Legislature,"

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 476, A bill to be entitled "An Act creating an independent school district out of certain territory in Taylor county, Texas,"

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 378, A bill to be entitled "An Act to provide for the examination

of the books, accounts, records, letters, documents, papers, securities and to count the cash of all State institutions and departments, and of all State, district, county and precinct officers in this State; defining the duties of Comptroller of Public Accounts and of certain State, district, county and precinct officers; providing for the appointment of special agents, and prescribing qualifications, and providing for the payment of expenses; fixing salaries; providing for the collection of moneys in certain instances; providing penalties; making appropriations; repealing all laws, and declaring an emergency,"

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 491, A bill to be entitled "An Act to authorize and empower Fayette county or any political subdivision of said county by a vote of two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing and supervising said work, and providing a method of making up tax rolls and for deposit and disbursement of said funds and regulation of traffic on said roads, and declaring an emergency."

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 489, A bill to be entitled "An Act to amend Article 3876 of the Revised Civil Statutes of the State of Texas of 1911, Title 58, Chapter 3, re-

lating to the fees of district and county surveyors,"

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 69, A bill to be entitled "An Act to amend Article 5243, Chapter 1, Title 77, Revised Civil Statutes of the State of Texas of 1911, relating to Bureau of Labor Statistics,"

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 28, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 75, A bill to be entitled "An Act for the protection of persons of this State who may be injured in a foreign country, and providing for adequate compensation therefor, and declaring an emergency,"

And find it correctly engrossed.

BRELSFORD, Chairman.

Committee Room,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 63, and find it correctly enrolled, and have this day, at 4 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 230, and find it correctly enrolled, and have this day, at 4 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 72, and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 309, and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 129, and find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 114, and find it correctly enrolled, and have this day at 11:30 o'clock p. m., presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room,  
Austin, Texas, March 27, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 13, and find it correctly enrolled, and have this day at 11:30 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

## PETITIONS.

By Lieutenant Governor Mayes:

Telegram signed numerously by citizens of Houston expressing approval of the proposed measure seeking to consolidate the Agricultural and Mechanical College and University of Texas.

By Lieutenant Governor Mayes:

Letter signed by Ed. Braden, chairman Legislative Committee, Master Plumbers, San Antonio, urging passage of House bills Nos. 658 and 660.

By Senators Nugent, Westbrook and Morrow:

Petitions numerously signed, and one telegram, protesting against passage of House bill by McKamy legalizing betting on horse racing in Texas.

## FIFTY-SIXTH DAY.

Senate Chamber,  
Austin, Texas,  
Saturday, March 29, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	McNealus.
Bailey.	Morrow.
Brelsford.	Nugent.
Carter.	Paulus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
Lattimore.	Willacy.

Absent.

McGregor.	Vaughan.
Murray.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Thursday, the same was dispensed with on motion of Senator Johnson.

(See Appendix for petitions and memorials and standing committee reports.)

Morning call concluded.

## HOUSE BILL NO. 164.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 164, A bill to be entitled "An Act to provide for the payment of salaries to all district attorneys and county and precinct officials, and providing that the fees to which they are now entitled shall be collected by them and paid into the county treasury of their respective counties, and abolishing the fees allowed district attorneys."

The bill was read third time and passed.

Senator Carter moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 606.\*

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 606, A bill to be entitled "An Act to amend Article 7642, of Chapter 13, Title 126, Revised Statutes, 1911, providing for the redemption by the owner of lands or lots heretofore sold or that may hereafter be sold to the State, city or town for taxes, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Murray offered the following amendment, which was read and adopted:

Amend the bill, page 1, line 28, by striking out the word "after" and inserting in lieu thereof the word "within."

The bill was read second time and passed to a third reading.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—31.

Astin.	Hudspeth.
Bailey.	Johnson.
Brelsford.	Kauffman.
Carter.	Lattimore.
Collins.	McGregor.
Conner.	McNealus.
Cowell.	Morrow.
Darwin.	Murray.
Gibson.	Nugent.
Greer.	Paulus.